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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6463-2024 (O&M)
Date of decision : 14.11.2024

Rahul Garg

... Petitioner

Versus

Institute of Hotel Management, Catering & Nutrition, Industrial Growth
Centre, Bathinda, Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Dr. Rau P.S. Girwar, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the
Constitution of India for setting aside the order dated 08.08.2024 passed by
the Civil Judge (Sr.Div.) Bathinda.
2. On 07.11.2024, this Court was pleased to pass the following
order:-

*“Present: Dr.Rau P.S. Girwar, Advocate and
Ms.Archana Phuhanian, Advocate
for the petitioner.

*Inter alia contends that the petitioner would limit
his prayer to joining the proceedings at the stage as they are
on 19.11.2024 and would not file any written statement. It is
further submitted that the petitioner is also ready to pay the
litigation expenses to respondent no.1.*

Notice of motion to respondent no.1-plaintiff for



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*14.11.2024.**To be shown in the urgent list.**Liberty is granted to the petitioner to serve respondent no.1 through dasti process as well as through the lawyer appearing before the trial Court.**The petitioner would bring a demand draft of Rs.10,000/- in the name of respondent no.1 on the next date of hearing.**It is made clear that in case, the demand draft of Rs.10,000/- is not brought on the next date of hearing, then the present petition would be liable to be dismissed.**November 07, 2024”*

3. Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has brought a demand draft of Rs.10,000/- in the name of respondent no.1.

4. A perusal of the report of the Registry would show that respondent no.1 has been served, however, in spite of the fact that the matter has been called twice, no one has appeared on behalf of respondent no.1.

5. It is a matter of settled law that even in case the ex-parte order against the petitioner is not set aside and the said party is not permitted to be put in a position which would have prevailed on the date the ex-parte proceedings / order was passed, i.e., 09.12.2022 in the present case, yet the petitioner would have the right to join the proceedings from the present stage. Since at the time of issuance of notice of motion, learned counsel for the petitioner has fairly submitted that the petitioner would join the



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written statement and the said limited prayer is not opposed by any person on behalf of the respondent no.1, the impugned order dated 08.08.2024 is accordingly modified and the present petition is disposed of with the modification to the extent that the petitioner would be permitted to join the proceedings from 19.11.2024, which is stated to be the next date of hearing in the present case.

6. It is made clear that the petitioner would not be permitted to file the written statement but is permitted to pursue the proceedings from 19.11.2024, in accordance with law. The petitioner would also deposit the amount of Rs.10,000/- before the trial Court on or before 19.11.2024 and the said amount would be released to respondent no.1-plaintiff by the trial Court.

7. Pending application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

November 14, 2024.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No