

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.7267 of 2023
Date of Decision: 10.01.2024

Sukhjeet Kaur
.....Revisionist-Petitioner.

Versus

Rajwant Kaur and others
.....Respondents.

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Rakesh Kumar, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-defendant No.3 (here-in-after to be referred as ‘defendant No.3’) has assailed order Annexure P-2 passed by learned Additional Civil Judge (Sr. Division), Fatehgarh Sahib (for short, ‘the trial Court’) on 05.10.2023 in the **Civil Suit No.156 of 2019** titled as ‘**Gurdeep Singh Vs. Rajwant Kaur and others**’, whereby the application (Annexure P-3) filed by her with a prayer to set-aside order Annexure P-1 dated 26.04.2019, qua proceeding *ex-parte* against her, has been dismissed.

2. I have heard learned counsel for the petitioner-defendant No.3 in the present revision-petition, at the preliminary stage and have also perused the file carefully.

3. Though defendant No.3 remained unrepresented in the afore-said Civil Suit on 26.04.2019 but keeping in view the fact that in case, she

is deprived of her valuable right to contest the said Suit on merits, she may suffer an irreparable loss which may further lead to/result in mis-carriage of justice, this Court is of the considered opinion that it would be in the fitness of the things and the interest of justice shall also be best served if she (defendant No.3) is allowed to contest the above-referred Civil Suit but subject to the payment of cost to respondent No.3-plaintiff.

4. Resultantly, without issuing the notice to respondent No.3-plaintiff so as to avoid any further delay in the trial of the afore-said Civil Suit and also to avert the expenses that he (plaintiff) may have to incur to defend in this petition and without commenting or expressing any opinion on the merits of the said Suit, both the impugned orders, i.e Annexures P-1 and P-2, are set-aside and the revision-petition in hand is, hereby, disposed of with the direction to the concerned trial Court to allow defendant No.3 to contest the above-mentioned Civil Suit on merits but the payment of cost of Rs.40,000/- shall be a condition precedent for doing so and in the case of non-payment of cost on the next date of hearing as may be fixed by the trial Court on 23.01.2024, she (defendant No.3) will not be entitled to any further opportunity for the afore-said purpose.

5. However, it is further clarified here that in the eventuality of respondent No.3-plaintiff feeling aggrieved by this order, he shall be at liberty to move an appropriate application to contest this revision-petition.

January 10, 2024

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No