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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-7028-2024

Date of decision: 03.12.2024

Rajesh Kumar and others

...Petitioners

Versus

Parkashi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rahul Deswal, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 14.03.2024 (Annexure P-3) passed by the Civil Judge (Junior Division), Karnal vide which ex parte order was passed against defendant Nos.8 to 22 and for setting aside the order dated 02.09.2024 (Annexure P-6) passed by the Additional Civil Judge (Senior Division), Karnal whereby an application for setting aside the ex parte order has been dismissed.

2. Learned counsel for the petitioners has submitted that the present suit was filed in the year 2017 and the evidence of the plaintiffs was closed on 08.02.2024 and thereafter, the first date for evidence of the petitioners, who are defendant Nos.8, 21 and 22, was 28.02.2024 and thereafter, the case was adjourned to 01.03.2024 and then to 14.03.2024, on



which date the present petitioners along with others had not appeared and were proceeded against ex parte. It is submitted that since the petitioners had noted a wrong date thus, they could not appear on 14.03.2024 and has submitted that in case, the petitioners are not granted an opportunity to lead evidence, then, irreparable loss would be suffered by them. It is further submitted that two effective opportunities be granted to the petitioners to lead their evidence and for the delay in the proceedings and the loss caused to the plaintiffs, the petitioners are ready to pay appropriate costs.

3. Keeping in view the abovesaid facts and circumstances, this Court is of the view that one last effective opportunity on payment of adequate cost be granted to the petitioners to lead their entire evidence. Accordingly, the present revision petition is partly allowed and the impugned order dated 14.03.2024 to the extent that the petitioners i.e. defendant Nos.8, 21 and 22 have been proceeded against ex parte, is set aside with the following directions:-

- a) The petitioners would deposit an amount of Rs.15,000/- on or before 09.12.2024 before the trial Court. On depositing the said amount, the same would be released by the trial Court to the plaintiffs/respondent Nos.1 to 5 in equal proportion (i.e., Rs.3,000/- each).
- b) In case of the said deposit having been made, the trial Court would give one last effective opportunity to the petitioners to lead their entire evidence.
- c) In case the said amount is not deposited on or before 09.12.2024 before the trial Court, then the present revision petition would be deemed to have been dismissed.

4. In the present case, no notice is being issued to the respondents as issuance of notice to the respondents would further delay the proceedings and would also entail expenses for respondents to defend the present revision petition. However, it would be open to respondents to move an application for recalling the present order in case any of the statement made before this Court is found to be false/incorrect.

03.12.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No