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

CR-7194-2024

Date of decision: 19.12.2024

Sonia Devi

...Petitioner

Versus

Jaivinder Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Mayank Gupta, Advocate for the petitioner.

Mr. Shubham Mangla, Advocate for respondent No.1.

Mr. Mayank Garg, Advocate for respondent Nos.2 to 5.

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**VIKAS BAHL, J. (ORAL)**

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 28.10.2024 (Annexure P-1) passed by the ACJ (Senior Division), Guhla in Civil Suit No.505 of 2019 titled as “Jaivinder Singh Vs. Kamlesh and others”, whereby an application filed by the petitioner (defendant No.5 in the civil suit) for setting aside the ex-parte proceedings/order dated 20.12.2019 has been dismissed.

2. On 10.12.2024, this Court had passed the following order:-

*“Inter alia, contends that in the present case, the plaintiff/respondent No.1 had made a statement that he has no objection in case the application filed by the present petitioner/defendant No.5 for setting aside the ex parte order is allowed and had only stated that the same be done subject to*



*heavy costs. It is submitted that the petitioner was residing in Uttar Pradesh and was not residing with her mother-in-law and thus, there was no due service. It is further submitted that for the inconvenience caused to respondent No.1, the petitioner is ready to compensate respondent No.1.*

*Notice of motion for 19.12.2024.*

*Liberty is granted to the petitioner to serve respondent No.1 through dasti process as well as through the counsel appearing before the trial Court.*

*Petitioner is directed to bring a demand draft of Rs.30,000/- prepared in the name of respondent No.1 on the next date of hearing.*

*It is made clear that in case the said demand draft prepared in the name of respondent No.1 is not produced by the petitioner on the next date of hearing, then, the present revision petition would be liable to be dismissed.*

*To be taken in the urgent list.*

*December 10, 2024”*

3. Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, he has brought the demand draft amounting to Rs.30,000/- prepared in the name of respondent No.1 which has been handed over to learned counsel appearing on behalf of respondent No.1 today in the Court who has reaffirmed the said fact.

4. Learned counsel appearing on behalf of respondent No.1 has submitted that the present suit is of the year 2019 and in case an opportunity is granted to the petitioner to file reply, then, the petitioner be directed to file reply on or before 23.12.2024, which is the next date of hearing.

5. Learned counsel for the petitioner has submitted that he has no objection to the said course of action.

6. Keeping in view the abovesaid facts and circumstances and fair stand taken by learned counsel for respondents and with their consent, the present revision petition is partly allowed and the order dated 28.10.2024, to the extent that the application of the petitioner for setting aside the ex-parte order dated 20.12.2019 has been dismissed and order dated 20.12.2019, are set aside with the following directions/observations:-

- a) The petitioner would file a written statement on or before 23.12.2024. It is made clear that in case the said written statement is not filed on or before the said date then the present revision petition would be deemed to have been dismissed.
- b) The petitioner would be given a liberty to cross-examine the witnesses of the plaintiff who have already been cross-examined.
- c) It would be necessary for the counsel for the petitioner appearing before the trial Court to cross-examine the said witnesses on the date when the said witnesses appear and only one opportunity would be granted regarding each witness and in case counsel for the petitioner before the trial Court does not cross-examine the said witness on the date the said witness appears, then, no further opportunity would be granted to the petitioner to cross-examine the said witness.

**19.12.2024**  
*Pawan*

**(VIKAS BAHL)**  
**JUDGE**

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

**Whether reportable:-**      **Yes/No**