

**CR-128-2025(O&M)****-1-****125****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CR-128-2025(O&M)****Date of decision:-14.01.2025**

Jaswant Singh

...Petitioner

Versus

Gurbachan Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** : Mr. Jasinder S. Sekhon, Advocate
for the petitioner.

SUVIR SEHGAL, J.(ORAL)**CM-297-CII-2025**

1. Exemption, as prayed for, is granted.
2. Application is allowed.

MAIN CASE

3. By way of present revision petition filed under Article 227 of the Constitution of India, petitioner has approached this Court for setting aside of order dated 12.11.2024, Annexure P5, passed by learned Civil Judge (Jr. Divn.), Dasuya, District Hoshiarpur.

4. Counsel for the petitioner submits that the respondent – plaintiff filed a suit for permanent injunction restraining the defendant – petitioner from interfering in the peaceful possession of land measuring 91 kanals 2 marlas and for restraining him from dispossessing the plaintiff from the suit land. Upon notice, suit is being contested by the defendant – petitioner by filing a written statement dated 15.04.2024, Annexure P2. Counsel states that the petitioner was proceeded against

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ex-parte vide order dated 08.01.2024 which was set aside on 12.03.2024, subject to payment of cost. Counsel asserts that due to wrong noting of the date, by order dated 22.07.2024 (at page 39 of the paper-book), petitioner was again proceeded against ex-parte. He submits that the petitioner had moved an application for setting aside the ex-parte order, but the application has been rejected vide the impugned order 12.11.2024, Annexure P5. Counsel states that default in appearance was due to the fault of the Clerk and the defendant cannot be made to suffer. He submits that the trial is at an initial stage and is fixed for leading evidence by the plaintiff and the petitioner be permitted to participate in the proceedings.

5. I have heard counsel for the petitioner and considered his submissions.

6. Although the petitioner has been lax in appearing before the Trial Court, but this Court is of the view that the interest of justice would be served in case the petitioner is permitted to join the proceedings, subject to deposit of cost.

7. Accordingly, revision petition is allowed. Impugned order, Annexure P5 as well as order dated 22.07.2024 are set aside; petitioner is permitted to participate in the proceedings before the Trial Court. This would be subject to deposit of cost of Rs.20,000/- with Sahayta Charitable Welfare Society, Sector 15-B, Chandigarh.

(SUVIR SEHGAL)
JUDGE

14.01.2025**Brij****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**