



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

(125)

CR-1018-2025

Date of Decision:-**17.02.2025**

SWASTIK CONSTRUCTION

... Petitioner

Versus

THE RESIDENT WELFARE ASSOCIATION AND OTHERS

... Respondents

-.-

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Bhupinder Ghai, Advocate  
for the petitioner.

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**ALOK JAIN, J.** (Oral)

1. Present petition is directed against the order dated 29.01.2025 passed by learned Civil Judge (Senior Division), Panchkula, whereby the application filed by the petitioner under Order 9 Rule 13 CPC for setting aside ex-parte order dated 06.11.2024 has been dismissed.

2. Learned counsel for the petitioner at the outset has submitted that the absence occurred on account of noting of a wrong date by the petitioner i.e. instead of 06.11.2024 it was noted 06.12.2024 but no cogent evidence was filed along with the application. Learned counsel further submits that the application for setting aside ex-parte order dated 06.11.2024 was filed on 06.12.2024. He submits that the petitioner tendered unconditional apology and should be granted the relief of contesting his case. As regards the costs imposed, which was also not deposited, it is



submitted that the same shall be done and let a conditional order of additional cost be also passed, nevertheless the case is at final stage of arguments before the learned trial Court, therefore, pleaded one last opportunity be granted to enable the petitioner-defendant to file response to the application under Order 6 Rule 14-A CPC, which is also pending, so that matter can be proceeded in accordance with law.

3. Heard learned counsel for the petitioner. Issuance of notice shall procrastinate the trial and the respondents can be very well compensated with the additional costs.

4. Considering the contention raised by the learned counsel for the petitioner and the settled principle of law that the rules are handmade of justice and no person should go unheard while deciding the *lis*, the present petition is allowed with the following directions:-

- i. The petitioner shall file reply to the application under Order 6 Rule 14-A CPC at least one week before 03.03.2025 i.e. date already fixed by learned Trial Court with advance copy to opposite side. The matter is now fixed for 03.03.2025, so that learned Trial Court can proceed in the matter on the date fixed.
- ii. The petitioner shall also deposit the costs of ₹3,000/- as Court imposed upon him vide order dated 09.10.2024 with the District Legal Services Authority before filing the reply to the application under Order 6 Rule 14-A CPC.



iii. In addition to above, the petitioner is also imposed with exemplary costs of ₹20,000/-, out of which ₹10,000/- shall be paid to the respondents and ₹10,000/- shall be deposited with **Nishkam Sewa Group** (run by **Punjab and Haryana High Court Lawyers at Chandigarh**).

With the above-said discussion, the present petition is disposed of.

**17.02.2025**  
Gaurav Sorot

**( ALOK JAIN )**  
**JUDGE**

|                              |          |
|------------------------------|----------|
| Whether reasoned / speaking? | Yes / No |
| Whether reportable?          | Yes / No |