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

(130)

CR-1392-2025

Date of Decision: - 06.03.2025

Karandeep Bansal**....Petitioner****Versus****Pardeep Suri****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Maneesh Bali, Advocate,
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 09.08.2024 (Annexure P-1) in application IA-01 of 2024 dated 11.07.2024 (Annexure P-13) filed for setting aside ex-parte order dated 29.11.2022 (Annexure P-12) passed by the Civil Judge (Junior Division), Jalandhar in CS-2296 of 2021 dated 27.08.2021 (Annexure P-4).

2. Learned counsel for the petitioner has submitted that the respondent-plaintiff had filed a suit for recovery of damages for malicious prosecution. It is argued that the petitioner was never personally served and he had never received any summon/notice nor had refused to accept the said summon. It is submitted that in case the petitioner is not granted one opportunity to file the written statement, irreparable loss would be



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caused to him. It is further submitted that as per his instructions, after 09.08.2024, no witness of the plaintiff has been examined and in case any plaintiff witness has been examined, then, the petitioner would give up his right to cross-examine the said witness. It is stated that for the delay and inconvenience caused to the respondent, the petitioner is ready to pay costs.

3. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner should be granted one opportunity to file the written statement and accordingly, the present revision petition is partly allowed and the impugned order dated 09.08.2024 (Annexure P-1) to the extent that the application filed by the petitioner for setting aside the ex-parte proceedings, is set aside and the ex-parte order dated 29.11.2022 (Annexure P-12) is also set aside subject to the following directions/observations: -

- (i) Petitioner would deposit an amount of Rs.30,000/- with the trial Court within a period of 15 days from today, which would be released to the respondent.
- (ii) Petitioner would also file the written statement within the aforesaid period of 15 days by moving an application before the trial Court. In case the said cost is deposited by the petitioner, the trial Court would take on record the said written statement.
- (iii) In case any plaintiff witness has been examined from 09.08.2024 to till date, then, the petitioner as stated before



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this Court would be given no right to cross-examine the said witness. However, the petitioner would be given the right to cross-examine the subsequently examined witnesses.

4. It is made clear that in case, the petitioner does not deposit the cost of Rs.30,000/- within a period of 15 days from today and does not file the written statement within the said period, the present revision petition would be deemed to have been dismissed.

5. It would be relevant to mention that notice of motion has not been issued to the respondent as issuance of any notice would further delay the proceedings in the suit and would also entail expenses for respondent in order to defend the present petition. However, it would be open to respondent to move an application for recalling the present order in case, any statement made before this Court is found to be false/incorrect.

March 06, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No