



CR-3167-2024 (O&M)

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

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CR-3167-2024 (O&M)

Date of Decision: 11.02.2025

M/s Sidhant Woollen Mills and another**... Petitioners****V/S****M/s P.M. Textiles and another****.... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Akhilesh Vyas, Advocate, for the petitioners.

Ms. Suverna Mutneja, Advocate for the respondents.

*********SUVIR SEHGAL, J. (ORAL)**

1. Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside, order dated 29.04.2024, Annexure P-1, passed by the learned Additional Civil Judge, Senior Division, Amritsar, whereby an application filed under Order 9 Rule 7 CPC, by the petitioners-defendants for setting aside ex-parte order, has been dismissed.

2. Mr. Vyas, counsel for the petitioners states that a suit for recovery of Rs.30,31,570/- has been filed by the respondents-plaintiffs but the petitioners were never served and were proceeded against ex-parte vide order dated 06.10.2021. He submits that due to the spread of the contagion, petitioner could not move an application for setting aside



of the ex-parte proceedings and when such an application was moved, on 06.11.2023, it has been rejected vide order impugned herein.

3. Opposing the petition, counsel for the respondents urges that the application for setting aside the ex-parte proceedings has been filed belatedly. There is not even a whisper in the application regarding the pandemic. She contends that the only ground set up is that the petitioners were not served and that they came to know about the proceedings during the pendency of a complaint under Section 138 of Negotiable Instruments Act, 1881, which has been disbelieved. She asserts that petitioners were watching the proceedings and filed the application after ex-parte evidence was concluded.

4. I have heard counsel for the parties and considered their respective submissions.

5. It is evident that the petitioners have been remiss and despite being aware of the pendency of the civil litigation, they did not join the proceedings. They were proceeded against ex-parte in October, 2021, but an application for setting aside the ex-parte order was filed after more than two years. Noticing that the suit is for recovery of a huge amount, this Court is of the view that in case the petitioners are not given an opportunity to file the written statement and contest the suit, their interest is likely to be seriously prejudiced. This Court is, therefore, of the view that the ex-parte proceedings deserves to be set aside and an opportunity should be given to the petitioners to present their version before the trial Court.



6. Accordingly, impugned order dated 29.04.2024 is set aside and ex-parte order dated 06.10.2021 is recalled. Petitioners-defendants are permitted to join the proceedings and file a written statement within a period of three weeks, in case they intend to contest the suit. This will be subject to deposit of costs of Rs.25,000/- with the Punjab and Haryana High Court Employees Welfare Association, Account No. 37167209613, IFSC Code: SBIN0050306, State Bank of India, High Court Branch, Chandigarh.. Deposit of costs shall be a pre-condition to the grant of opportunity for filing the written statement.

7. Petition is disposed off.

11.02.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No