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

CR-3459-2023

Date of decision: 09.01.2025

Jaspal Singh

...Petitioner

Versus

Shital Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Anurag Arora, Advocate for the petitioner.

Mr. A.S. Gill, Advocate for the respondent.

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 02.11.2019 passed by the Additional Civil Judge (Senior Division), Jalandhar (Annexure P-5) and order dated 06.05.2023 passed by the Additional District Judge, Jalandhar (Annexure P-6) by virtue of which the Civil Judge has declined the application filed by the petitioner under Order 9 Rule 13 CPC for setting aside the ex parte judgment and decree dated 14.07.2017 and appeal thereof has also been declined by the First Appellate Court against the said order.

2. During the course of arguments, a consensus has been arrived at between learned counsel for the petitioner and learned counsel for the respondent on instructions from their respective parties and with their



consent, the present revision petition is disposed of with the following observations/directions:-

- i) The petitioner would prepare a demand draft amounting to Rs.15,00,000/- in the name of the respondent and would handover the same to the respondent within a period of six weeks from today. The total payment made to the respondent would thus be Rs.20,00,000/- as it is not disputed that Rs.5,00,000/- has been paid earlier by the petitioner to the respondent. After the said demand draft of Rs.15,00,000/- is given to the respondent by the petitioner, the ex parte proceedings against the petitioner would be treated as having been set aside. It is made clear that the ex parte proceedings and also the ex parte judgment dated 14.07.2017 would be treated as valid in case the said amount of Rs.15,00,000/- is not paid within a period of six weeks from today to the respondent and the present revision petition would be deemed to have been dismissed and the impugned orders and the ex parte judgment and decree dated 14.07.2017 would be considered upheld.
- ii) In case the petitioner makes the payment of Rs.15,00,000/- within the abovesaid period of six weeks from today, then, the petitioner would be granted one opportunity by the trial Court to file written statement and the matter would thereafter proceed in accordance with law and the trial Court would then decide the case afresh in accordance with law after giving due opportunity to both the parties to lead their evidence as expeditiously as possible.
- iii) In case the petitioner succeeds and the suit of the plaintiff is



dismissed, then, the petitioner would not claim a refund of the amount of Rs.20,00,000/- which the petitioner has undertaken to pay/paid to the respondent, as observed in the earlier part of the order.

- iv) In case the respondent succeeds and the suit of the plaintiff is decreed after contesting before the trial Court, then, in the said situation, the respondent/plaintiff would be entitled to recover the decretal amount after deducting the said amount of Rs.20,00,000/-.
- v) It is made clear that this Court has not opined on the merits of the case and the trial Court, after the payment having been made as stated hereinabove, would consider the case in accordance with law and would decide the same independently.
- vi) The execution proceedings would be stayed for a period of six weeks from today and after a period of six weeks in case the payment is made by the petitioner of an amount of Rs.15,00,000/- as has been stated hereinabove then the execution proceedings would be disposed of. Liberty is granted to the respondent-plaintiff to file a fresh execution application after the judgment of the trial Court, in case the suit is decreed.

09.01.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No