



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

CR-4285-2026

Date of Decision:21.05.2026

SUSHEEL KUMAR

...PETITIONER

Versus

PUNJAB AND SIND BANK AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ashwani Vaishnav, Advocate
Ms. Radhika, Advocate
for the petitioner.

Mr. Gaurav Goel, Advocate
for respondent No.1-Bank.

PARMOD GOYAL, J. (ORAL)

Present civil revision petition has been preferred under Article 227 of the Constitution of India by petitioner-defendant No.2 being aggrieved by impugned order dated 13.05.2026 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division) Kurukshetra, whereby his application for setting aside *ex parte* order dated 11.03.2026 and revival of application under Order VII Rule 11 CPC, 1908 was dismissed.

2. That respondent No.1-plaintiff had preferred suit for recovery of loan amount along with pendente lite and future interest. Admittedly, petitioner-defendant No.2 was proceeded *ex parte* on 23.01.2019. Court allowed the application of petitioner-defendant No.2 to set aside the said order vide order dated 29.08.2024 subject to cost of Rs.1,000/-. However, costs were not paid. The petitioner-defendant No.2 was again proceeded against *ex parte* vide order dated 04.07.2025 and again application to set aside the order was allowed on 30.07.2025 subject to cost of Rs.1,000/- and

the same was paid after seven months.

3. Petitioner-defendant No.1 for the third time was proceeded *ex parte* vide impugned order dated 11.03.2026 and application preferred by petitioner-defendant No.2 for setting aside the *ex parte* proceedings was dismissed on 13.05.2026.

4. On consideration, I do not find any error in the impugned order passed by learned Court below. The present situation has arisen on account of fault on the part of petitioner-defendant No.2 himself. However, wherever the other side can be compensated with cost, the Courts prefer to allow the defaulting party to contest the suit on merits in order to achieve substantial justice. The matter is still at the initial stage, it would be appropriate to grant one more opportunity to petitioner-defendant No.1 to contest his case.

5. In view of above discussion, present revision petition is allowed and order dated 13.05.2026 is modified, subject to cost of Rs.50,000/- (Rupees Fifty Thousand Only). Petitioner-defendant No.2 is directed to pay Rs.25,000/- (Rupees Twenty Five Thousands only) to respondent No.1-plaintiff and Rs.25,000/- (Rupees Twenty Five Thousands only) to District Legal Services Authority, Kurukshetra. Ex parte proceedings dated 11.03.2026 are set aside and application under Order VII Rule 11 of CPC is revived.

6. Present revision petition is disposed of in above terms.

7. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

21.05.2026
Ravinder

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