
(1995) 04 P&H CK 0004
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 238 of 1995

Kewal Krishan

APPELLANT

Vs

Shabed Wati

RESPONDENT

Date of Decision : 17-04-1995

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 9 Rule 7

Citation : (1996) 112 PLR 38

Hon'ble Judges : N.K. Kapoor, J

Bench : Single Bench

Advocate : B.R. Mahajan, for the Appellant;

Judgement

N.K. Kapoor, J.—This revision petition is against the order dated 3.12.1994 whereby their application for setting aside the ex parte proceedings dated 17.8.1994 has been dismissed. It has been urged by the learned counsel for the petitioners that under some mistaken impression the petitioners thought that the case had been adjourned for another date and it is subsequently that it came to light that, in fact, the Court had already ordered ex parte proceedings. Thus, without losing any time, the petitioners filed an application for setting aside ex parte proceedings. Since there was some bona fide mistake on the part of the counsel for the petitioners as well as the petitioners, even the counsel for the plaintiffs did not resist this application. However, the Court has declined to set aside the ex parte proceedings.

2. I have heard learned counsel for the petitioners and gone through the impugned order. There appears to be a bona fide mistake on the part of counsel for the petitioners as well as the petitioners for not putting in appearance on the date fixed by the Court. Thus, in the facts and circumstances of the case, the Court ought to have taken a lenient view in the matter and so permitted the petitioners to join the proceedings from the stage ex parte proceedings were ordered against them. Accordingly, I set aside the order dated 3.12.1994 thereby accepting the petitioners application for setting aside the ex parte order dated

17.8.1994 and so relegate the petitioners to their original position.