



CR-912-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(125)

CR-912-2025

Date of Decision: - 20.02.2025

Jyoti alias Devi

...Petitioner

Versus

Santosh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sanjeev Patiyal, Advocate,  
for the petitioner.

Mr. Mrigank Sharma, Advocate  
for respondent No.1.

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**VIKAS BAHL, J. (ORAL)**

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 27.11.2024 passed by the Additional Civil Judge (Senior Division), Kalka, District Panchkula, whereby the application dated 26.03.2023 (Annexure P-6) filed by the petitioner for setting aside the ex-parte order dated 26.03.2019 has been dismissed.

2. On 14.02.2025, this Court was pleased to pass the following order: -

*“Present: Mr. Sanjeev Patiyal, Advocate  
for the petitioner.*

*Mr. Jagdish Manchanda, Addl. A.G. Haryana  
for respondents no.2 and 3.*

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*Inter alia contends that in the present case, a false report had been procured by the respondent no.1 for proceeding against the petitioner as ex-parte, as there was no occasion for the petitioner to not appear in the proceedings, which involved substantial rights of the petitioner. Reference has been made to Annexure P-9 to show that the petitioner had refused to take the summons and the same is stated to be attested by one Davinder Singh son of Harnam Singh, who is stated to be the resident of Sector 1, Parwanoo, PO Parwanoo, Tehsil Kasauli, whereas as per Annexure P-8, in an execution application filed by the daughter of the said Davinder Singh, the said Davinder Singh is shown to be the resident of Village Tipra, Tehsil Kalka, District Panchkula. It is further submitted that no summons of suit were ever received by the petitioner.*

*Notice of motion for 20.02.2025.*

*Notice re: stay.*

*Mr.Jagdish Manchanda, Addl.A.G. Haryana, appears and accepts notice on behalf of respondents no.2 and 3.*

*Liberty is granted to the petitioner to serve the respondent no.1 through the counsel appearing in the trial Court as well through dasti process.*

*To be shown in the urgent list.*

***February 14, 2025”***

3. Learned counsel appearing for contesting respondent No.1 has very fairly submitted that instead of contesting the present petition, respondent No.1 would have no objection in case the impugned orders are set aside and the petitioner is permitted to join the proceedings. It is further submitted that the petitioner be directed to file the written statement in a time bound manner.

4. Keeping in view the above-said facts and circumstances and the fair stand taken by learned counsel for the petitioner as well as by



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learned counsel for contesting respondent No.1, the present revision petition is partly allowed and the impugned orders dated 26.03.2019 as well as dated 27.11.2024 to the extent that the petitioner has been proceeded against ex-parte and the application filed by the petitioner for setting aside the said ex-parte order has been dismissed, are set aside, with the following observations/directions:-

- (i) The petitioner would file the written statement within a period of 15 days from today.
- (ii) After the written statement is filed, the trial Court would frame the issues afresh and the petitioner would be granted opportunity to cross-examine the witnesses of the plaintiff, who have already been examined and would proceed further in accordance with law.

February 20, 2025  
*naresh.k*

( VIKAS BAHL )  
JUDGE

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No