



CR No. 6854 of 2025

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

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CR No. 6854 of 2025

DATE OF DECISION :- 26.09.2025

Ramesh

...Petitioner

Versus

Rajesh Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Aakash Singla, Advocate with
Ms. Vaishali Singla, Advocate for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. This revision petition under Article 227 of the Constitution of India is directed against the order dated 22.12.2023 passed by learned Civil Judge whereby the application filed by the petitioner for setting aside the ex-parte proceedings and for granting permission to contest the suit on merits by recalling the order dated 06.01.2018 has been wrongly dismissed. The order has been assailed primarily on the facts that the learned Court has not taken care of the fact that petitioner is alleged to have been served through wife of respondent plaintiff who is the married daughter of the petitioner and further more while dismissing the application the learned Civil Judge has not even allowed the petitioner to join the proceedings at the stage where the proceedings are pending.

2. Learned counsel for the petitioner conceded that he would not cross-examine the witnesses already cross examined by the remaining



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defendants i.e. PW1 and PW3 and he be allowed to file written statement and participate in the proceedings particularly when respondent plaintiff itself is delaying the proceedings and for the last more than five years no proceedings has taken place and the case is still at the initial stage. Only two witnesses of the plaintiff have been examined completely which would not be cross examined by the petitioner.

3. So considering all the facts and circumstances the impugned order whereby the petitioner has not been allowed to participate in the proceedings at the stage where the proceedings are pending suffers from material illegality. The learned Civil Judge (Junior Division) Sohna has not exercised the jurisdiction vested in learned Civil Judge. So the impugned order is set aside and petitioner is allowed to file the written statement subject to payment of cost of Rs.50,000/-. Out of the amount of costs Rs.20,000/- be deposited in the fund maintained by Haryana State Legal Services Authority and remaining amount be paid to respondents. The petitioner would be granted only one effective opportunity to file the written statement and he would not claim his right to cross-examine the witnesses already cross examined i.e. PW1 and PW3.

4. The petition stands disposed of accordingly.

(VIRINDER AGGARWAL)
JUDGE

26.09.2025

P.Singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No