

CM 62/2021

**IN THE COURT OF MONIKA LAMBA,  
CIVIL JUDGE (SENIOR DIVISION), FARIDKOT.  
(UID No.PB0244)**

<b>CIS No.</b>	<b>CM 62-2021</b>
<b>CNR No.</b>	<b>PBFD02-000662-2021</b>
<b>Date of Order</b>	<b>11-08-2023</b>

**In Re:Petition u/s 75(i)(g) of Employees State Insurance Act**

**Application for setting aside exparte proceedings passed against  
respondents no.4 and 5**

Present: Sh. Adarshdeep Singh Advocate for petitioner.  
Sh.G.S Brar Advocate counsel for respondents no.1 to 3.  
Respondents no.4 and 5 exparte.  
Sh.Gagandeep Singh Advocate counsel for  
applicants/respondents no.4 and 5.

**ORDER**

1. This order of mine shall dispose of an application filed by respondents no.4 and 5 for setting aside the exparte proceedings order dated 16-08-2021 passed against them.

2. It has been submitted in the application that respondents no.4 and 5 were served in this petition, but due to some unavoidable circumstances they could not appear before this court on 16.8.2021 and on further dates. It has been further pleaded that respondents are not literate persons. They are simpleton persons and they had no knowledge about the court procedure, as such, they were under the belief that their appearance is not required and as and when their presence will be required they will be informed. The absence of respondents no.4 and 5 was not intentional but due to the above said reason. Hence, a request has been made that the application may kindly be allowed.

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3. The instant application is replied by the plaintiff taking preliminary objections that the applicant is not maintainable in the present form; the application is false and frivolous and is not sustainable in the eyes of law; the applicants have no cause of action to file the application. On merits, the assertions were refuted in absolute terms and a prayer for dismissal of the application was made.

4. After hearing the arguments and going through the material on record, this Court has observed that the proceedings are at prefatory stage and it will be appropriate to decide the matter after giving opportunity to both the parties on merits. Hence the application is hand is allowed, subject to costs of Rs.1000/- to be paid to plaintiff.

Dated:11-08-2023  
Rekha

(Monika Lamba)  
Civil Judge (Sr. Division)  
Faridkot  
(UID:PB0244)

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Present: Sh. Adarshdeep Singh Advocate for petitioner.  
Sh.G.S Brar Advocate counsel for respondents no.1 to 3.  
Respondents no.4 and 5 exparte.  
Sh.Gagandeep Singh Advocate counsel for  
applicants/respondents no.4 and 5.

Arguments heard. Vide my separate order of even date,  
application filed by respondents no.4 and 5 for setting aside the exparte  
proceedings passed against them stand allowed.

To come up on 05-09-2023 for payment of costs as well as  
for filing of written statement.

Dated: 11-08-2023  
Rekha

(Monika Lamba)  
CJ(SD)/Faridkot  
(UID:PB0244)

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