

Present: Sh.P.C.Joshi, Adv.for plaintiff.  
Sh.MPS Batra, Adv.for applicant/defendant.

Reply to the application for setting aside the exparte order dated 21.10.2020 has been filed. Copy supplied.

Heard on the application for setting aside the exparte order dated 21.10.2020 filed by the applicant/defendant submitting that on 21.10.2020 the present case was fixed for filing of written statement and reply and the Learned counsel for the defendant was present in the Court in the morning, but at that time the case was not called and thereafter the Learned counsel for the defendant was busy in the Court of Learned ADJ, Fatehgarh Sahib in another case and later on at about 03:20 pm when he came to the court to note the next date of hearing, then he came to know that the defendant was proceeded against exparte. That non appearance of the defendant is not intentional or willful. That if the exparte order is not set aside, the defendant would suffer huge loss. It is prayed to allow the application.

In reply filed by the plaintiff, all the material averments of application have been denied by the plaintiff and it is stated that the defendant as well as his counsel knowingly and intentionally did not appear before the Court on 21.10.2020 and now filed the present false application by concocting and fabricating a false story. It is prayed to dismiss the application.

Perusal of the file shows that the defendant was proceeded against exparte on 21.10.2020 due non appearance of the defendant in the Court and at that time the case was fixed at the stage of filing of written statement and reply to stay application by the defendant. Setting aside of the exparte proceedings qua the defendant would help the court in determining the real dispute between the parties and would also lead to proper adjudication in the matter. Accordingly, the application filed by the defendant is allowed and the exparte proceedings qua the defendant are set aside subject to costs of Rs.500/- to be paid by the defendant to the plaintiff. Adjourned to 10.03.2021 for making payment of costs as well as for filing of written statement and reply to stay application by the defendant.

Date of Order: 16.02.2021.  
(Sanjeev Kumar)

(Bisman Mann)  
CJ(JD)-cum-JMIC,FGS.,  
UID No.PB0460.