

Gurwinder Singh Vs Arman Singh CS-1381-2022

CNR No. PBPT02001874-2022

Present Sh. Vikram Kumar Adv for plaintiff.
Sh. D.S Bhinder Adv for defendants no. 1 and 2 (exparte)
Sh. Kulbir Singh Adv for defendant No. 3.

Heard on application for setting aside exparte proceedings
order dated 09.09.2022 passed by the Court against defendants no.1 and 2.

In the application, it is submitted that defendant no.2 is in matrimonial dispute with the plaintiff no.2 and she get the conditional warrant of defendant no.2, so he could not appear before this Court on 09.09.2022 for which this Court proceeded against exparte against the applicants. Now the applicants want to join the proceedings. Lastly, it is prayed that application may kindly be allowed and exparte order dated 09.09.2022 may kindly be set-aside.

Notice of this application was issued to the plaintiff who contested the application by filing detailed reply denying the contents of the application. A prayer is made for dismissal of the application.

Perusal of file shows that the defendant was proceeded exparte vide order dated 09.09.2022 when the defendants no.1 and 2 did not appear in the court. It is cardinal principal of law that nobody should be condemned unheard. The matter is to be decided on merit between the parties. Moreover it is not going to prejudice to the parties. No prejudice would be caused to the plaintiff if the application is allowed. Further more, the absence of the defendants no.1 and 2 in the Court is not intentional nor willful. Thus, in the interest of justice, the present application filed by defendants no.1 and 2 for setting aside exparte order

dated 09.09.2022 is hereby allowed subject to costs of Rs.500/- paid by the defendants no.1 and 2 to the plaintiff and the defendants no.1 and 2 are allowed to join the proceedings. Application stands disposed off accordingly.

Now case is adjourned to 25.04.2023 for filing written statement by the defendants.

Announced in open court:
March, 03,2023
Rakesh Mittal Stenographer I

(Davinder Singh)
Civil Judge (Jr. Divn.)
Patiala-PB00575