

Application for setting aside exparte order

Present: Sh. Hardeep Singh, Adv counsel for applicant/defendant No.3
Sh. Avtar Rai Kainth, Adv counsel for the respondent/plaintiff.

1. This order of mine shall dispose of an application for setting aside exparte order dated 28.02.2024 initiated against defendant No.3 (hereinafter called applicant) moved on behalf of applicant/defendant No.3.

2. In the application, it is alleged that applicant/defendant No.3 is Tehsildar and on dated 28.02.2024 he was busy in field work due to which he was unable to appear before this Hon'ble Court. It is alleged that the non appearance of the defendant No.3 is neither willful nor intentional but due to above mentioned reason. The present application of the applicant is within time and he prayed to join the proceedings.

3. Upon notice, a detailed reply to the application was filed by the plaintiff (hereinafter called respondent) to the application denying the case of the applicant. Further, the respondent prayed for dismissal of the application.

4. After hearing the detailed arguments by Ld. Counsel for applicants and respondent and perusing the documents on record, this Court is of the considered opinion that the applicant No.3 was proceeded against exparte in the present case vide order dated 28.02.2024 on the basis of his non-appearance in the present case. The applicant moved the present application on 19.04.29024 through his counsel. The delay in moving the present application can be compensated by imposing cost. The

present case is still at initial stage and is fixed for appearance of remaining defendants. No prejudice shall be caused to the respondent if the present application is allowed. In view of the above said circumstances and to dispose the lis on merits, the present application for setting aside the exparte proceedings dated 28.02.2024 filed by the applicant is hereby allowed.

Pronounced in open Court.
Dated: 28.08.2024

(Sandeep Kumar JW)

Manmohan Bhatti, PCS
Civil Judge (Jr.Div),
Dasuya /UID No. PB 0429