

IN THE COURT OF SH. JAGWINDER SINGH, PCS,
CIVIL JUDGE (JUNIOR DIVISION), DHURI.

Execution application No. 830 of 2017
Date of Institution: 13.10.2017
CIS No.Exe. 77 of 2017
Date of order: 17.02.2018
Pending for:17.03.2018

Gurcharan Singh Vs. SDM & ors.

Execution Application

Application for setting aside exparte order dated 10.01.2018

Present: Sh. P.K. Mittal, Adv. counsel for DH/respondent.
Sh. Gurjit Singh A.C. Grade-II for JDs/applicants.

Order:

1. This order of mine will dispose of an application filed by the applicants/JDs for setting aside exparte order dated 10.01.2018.
2. By way of instant application, applicants/JDs submitted that on 10.01.2018 Ashok Kumar Halqa Patwari Village Jahangir had come to attend the court and appeared on behalf of the JD after lunch, but he came to know from the Reader of the Court that in this case the exparte order has already been passed against them. It is further added that their non-appearance is not intentional. Even as per law they can be allowed to join the proceedings in the execution application at the stage for which it is pending. They prayed for setting aside the exparte order dated 10.01.2018 as the case is its initial stage and no prejudice is going to be caused to the decree holder if the exparte order is set-aside. They prayed for allowing the present application.
3. Learned counsel for respondent/DH did not file any reply to the

said application but orally opposed the same by submitting that applicants/JDs willfully and intentionally did not appear in the court after receiving the summons and they were rightly and legally proceeded against exparte on the said date. Respondent/DH further denied all the material averments and prayed for dismissal of the instant application.

4. I have heard the ld. counsels for the parties and gone through the record with the kind assistance of the ld. counsels for the parties. The perusal of the record reveals that in his application, applicants/JDs stated that their non-appearance in this Court is not intentional but due to the reason that Ashok Kumar Halqa Patwari of Village Jahangir had come to the court on the said date after passing the order. The perusal of the record reveals that present execution application is pending at the initial stage. The interest of justice demands that case of the parties should be decided after hearing all the parties of the case and a dispute between the parties can be finally settled only after hearing all the parties of the case and after giving them proper opportunity to present their case. Moreover, if the application of JDs for setting aside the exparte is allowed, it will not adversely effect the claim of the decree holder. So, keeping in view the above discussion, application filed by applicants/JDs for setting aside the exparte order dated 10.01.2018 is allowed.

Pronounced.
Dated: 17.02.2018

Rajender Kumar
(Stenographer-II)

(Jagwinder Singh),
Civil Judge (Jr. Division).
Dhuri. UID-PB0461.

Present: Sh. P.K. Mittal, Adv. counsel for DH/respondent.
Sh. Gurjit Singh A.C. Grade-II for JDs/applicants.

Sh. Gurjit Singh A.C. Grade-II appeared on behalf of the JDs and filed an application for setting aside exparte proceedings initiated against them. Ld. counsel for the decree holder did not file any reply to the said application but orally opposed the same.

Arguments heard. Vide my separate detailed order of even date, application filed the applicants/JD for setting aside the exparte order dated 10.01.2018 is allowed, as stated therein. Objections/reply on behalf of the Jds filed. Copy supplied. Now to come up on 17.03.2018 for filing reply and consideration on objections.

Pronounced.
Dated: 17.02.2018

(Jagwinder Singh),
Civil Judge (Jr. Division).
Dhuri. UID-PB0461.

Rajender Kumar
(Stenographer-II)
Next Date: 17.03.2018
Purpose: