

Sudesh Kumari Versus Bharti Cellular Ltd. etc

RP 4 of 2023

Present: Sh. Rajesh Sharma, counsel for applicants/defendants.
Sh. Vivek Chaudhary, counsel for respondent/plaintiff.

ORDER

Heard on application moved by applicant/defendant for setting aside ex parte order dated 22.08.2023.

2. It is argued by Ld. Counsel for applicant/respondent that applicant/defendant had never received any summon. Order of 04.07.2023 shows that publication could not be issued for want of publication charges and the case was adjourned to 2.08.2023 for publication. On 02.08.2023 publication was made and on 19.07.2023 as none appeared on behalf of the respondents, they were proceeded against ex parte. The non-appearance of the applicant before the Court was not intentional. Lastly, prayed no prejudice would be caused to the plaintiff if the application is allowed.

3. Per-contra, it is argued by ld. Counsel for respondent/plaintiff that application filed by the defendant is on false grounds. Lastly, prayed for dismissal of the present application.

4. Having heard the respective contentions of learned counsel for defendant and Ld. Counsel for respondent/plaintiff and having perused the case file carefully, the court is of considered

Sudesh Kumari Versus Bharti Celluar Ltd. etc

RP 4 of 2023

view that the reason assigned by applicant seems good. No prejudice would be caused to plaintiff if defendant is allowed to join the proceedings. Rather the case would be decided on merits. However, considering the delay, the present application is allowed subject to the cost of Rs. 2,000/- to be paid by defendant to plaintiff because plaintiff was made to suffer due to the non appearance of defendant. Hence, the application in hand stands allowed accordingly and order dated 22.08.2023 is set aside. Defendant is permitted to join the proceedings.

Date of Order:
23.05.2024

Himanshu Arya
Civil Judge(Jr. Divn.),
Rohtak, UID No. HR0681

sumit, stenographer Gr. II

Sudesh Kumari Versus Bharti Celluar Ltd. etc

RP 4 of 2023

Present: Sh. Vivek Chaudhary, counsel for plaintiff.
Sh. Rajesh Sharma, counsel for defendants.

Arguments heard. vide my separate order of even date, the present application is allowed subject to the cost of Rs. 2,000/- to be paid by defendant to plaintiff because plaintiff was made to suffer due to the non appearance of defendant. Hence, the application in hand stands allowed accordingly and order dated 22.08.2023 is set aside. Defendant is permitted to join the proceedings.

Now to come upon **05.08.2024** for reply to the petition.

Date of Order:
23.05.2024

Himanshu Arya
Civil Judge(Jr. Divn.),
Rohtak, UID No. HR0681

sumit, stenographer Gr. II