

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CR No. 3392 of 2009  
Decided on : 31-08-2009**

Karnal Singh Malaya Wale

....Petitioner

**VERSUS**

Boota Singh

....Respondent

**CORAM:- HON'BLE MR. JUSTICE HEMANT GUPTA**

Present:- Mr. B.S.Thind, Advocate for the petitioner.

Mr.R.S.Budhwar, Advocate for the respondent

**HEMANT GUPTA, J**

Plaintiff is in revision aggrieved against the order passed by the learned Trial Court on 12.5.2009 whereby ex parte proceedings initiated against defendant no. 2 were set aside, subject to payment of Rs.2,000/- as costs. The defendant was given time to file written statement as well.

The sole argument of the learned counsel for the petitioner is that the order of setting aside ex parte proceedings will permit the defendant to participate in the suit from the stage he was proceeded ex parte. In support of the said argument, he has relied upon 2008 (1) RCR (Rent) 94 titled as **K.Alivelamma versus K. Suryanarayana and others.**

To say the least, the argument raised by the learned counsel for the petitioner is mis-conceived.

Admittedly, no written statement has been filed by the defendant no.2. Therefore, when the ex parte proceedings have been set aside, defendant will participate in the proceedings from the stage of filing of the written statement itself. In fact that is the order passed by learned

Trial Court.

The present revision petition is nothing but an abuse of process of law and consequently, the same is hereby dismissed.

August 31, 2009  
rekha

**(Hemant Gupta)**  
**Judge**