

**(1990) 06 P&H CK 0003**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** C.R. No. 3322 of 1987

Mela Ram and Another

APPELLANT

Vs

Bhagat Ram and Others

RESPONDENT

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**Date of Decision:** June 5, 1990

**Hon'ble Judges:** G.R. Majithia, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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### **Judgement**

G.R. Majithia, J.

This revision petition is directed against the order of the learned trial Judge dated - October 19, 1987 refusing permission to the Defendant Petitioners to lead evidence. Permission was refused on the ground that the Defendants were proceeded against ex parte; that the Plaintiffs' evidence had already been recorded in the case and, therefore, they could not be allowed to lead evidence till the ex parte order was set aside.

2. It is a settled rule of law that when a Defendant does not appear on the date fixed for hearing and it is in consequence declared ex parte, he should not be precluded from appearing at a later stage of the suit and while it is still pending, he should be allowed to participate in the proceedings at the stage the suit has reached. In the instant case, the suit had reached the arguments stage. The Plaintiff's evidence had already been concluded. The Defendants could address arguments if they so chose but they could not be permitted to lead evidence since the Plaintiff's evidence had already been concluded. No exception can be taken to the order passed by the trial Judge.

3. Consequently, the revision petition is dismissed as indicated above. No costs. The parties through their learned Counsel are directed to appear before the trial Judge on July 23, 1990.