

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 1301 of 2015 (O&M)
Date of Decision: 20.4.2015.**

Gurmeet Singh and another

.....Petitioners

Versus

Jaspal Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. N.P.S.Mann, Advocate
for the petitioners.

SABINA, J.

Petitioners have filed this petition under Article 227 of the Constitution of India challenging the order dated 31.1.2015 (Annexure P-3) whereby application moved by respondent No. 2 for setting aside *ex parte* proceedings against him, was allowed.

I have heard the learned counsel for the petitioners and have gone through the record available on the file carefully.

Respondent No. 1 Jaspal Singh has filed suit against the petitioners and respondent No. 2 for possession by way of specific performance of agreement to sell dated 14.2.2003 executed by respondent No. 2 in favour of respondent No. 1. During the pendency of the suit, respondent No. 2-defendant No. 1 was ordered to be proceeded *ex parte* vide order dated 31.5.2006. During the pendency of the suit, respondent No. 2-defendant No. 1 moved an application for setting aside *ex parte* proceedings against him. The said application was not opposed by respondent

No. 1-plaintiff. In these circumstances, the learned Trial Court had rightly allowed the application moved by respondent No. 2 for setting aside *ex parte* proceedings against him as the same had not been opposed by the plaintiff. Petitioners are the co-defendants with respondent No. 2.

Hence, no ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

April 20, 2015
Gurpreet