

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.41 of 2015

Date of Decision:-06.01.2015

Jasram & Ors.

.....Petitioners.

Versus

Sangeeta Kohli & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Kunal Dawar, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Defendant nos.2 to 4 are in revision aggrieved by the order dated 19.12.2014 (P-1) passed by the learned Additional Civil Judge(Sr. Divn.), Mewat, whereby their application for setting aside the ex-parte order dated 2.8.2014 has been dismissed while permitting them to join from the stage concerned.

It is apparent that the respondents/plaintiffs have filed a suit for declaration that they are owners in possession of the suit property. It was pleaded that the defendant nos.2 to 4/petitioners have got fraudulent sale deed executed on 12.01.2010 and mutation entered, on the basis of a fraudulent GPA got executed in favour of defendant no.1 by impersonation of the plaintiffs. Defendant nos.2 to 4/petitioners have further alleged to have sold the suit property to defendant no.5 vide sale deed dated 28.05.2010. It is also not in dispute that the defendant nos.2 to 4 were

served and had appeared through their counsel and also filed their written statement when at the time of framing of the issues they were ordered to be proceeded ex-parte vide order dated 2.8.2014. It is further apparent that after a period of 3 months when the entire evidence of the plaintiff was over and defendant no.5 had also availed several opportunities to lead evidence, the said application was moved for setting aside ex-parte order.

Having heard learned Counsel for the petitioner, this Court finds no ground to interfere with the impugned order. The learned trial Court has rightly observed that the petitioners throughout were aware of the proceedings and have shown no sufficient and justifiable cause for not having joined proceedings on the fixed dates. It is also evident that permitting the defendants to join the present proceedings from the earlier date would start a denovo trial. Even otherwise the cause of petitioners has been duly represented and asserted by defendant no.5, who is the purchaser from the petitioners/defendants.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

January 06, 2015
Vinay