

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

CR No.5886 of 2014(O&M)

Date of Decision:-08.01.2015

Sheetal Goyal.

.....Petitioner.

Versus

Amritbir Singh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Nakul Sharma. Advocate for the Petitioner.

Mr. Puneet Bansal, Advocate for the respondents.

JASWANT SINGH, J.(ORAL)

Defendant no.3 has filed the present revision petition aggrieved against the order dated 21.10.2009 whereby he was proceeded ex-parte by learned Additional Civil Judge(Sr. Divn.), Ferozepur as despite Munadi service no one has appeared on their behalf. Thereafter the defendant no.3/petitioner moved an application before the learned trial Court itself for setting aside the ex-parte order dated 21.10.2009 and the said application vide order dated 22.08.2014 has been dismissed. Hence the present revision petition.

Learned Counsel for the petitioner has argued that about one week prior to the filing of the present application for setting aside the ex-parte order dated 21.10.2009, she came to know about the pendency of the present suit when she came to meet her relatives from Delhi and, therefore,

as she was not aware of these proceedings. Hence the order passed by the learned Court below is liable to be set aside.

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and same deserves to be dismissed.

Admittedly the defendant no.3 who has moved the present application is none else but the daughter in law of defendant no.2 who is the proprietor of defendant no.1 firm as application for setting aside the ex-parte order dated 21.10.2009 was moved after the defendant no.1 & 2 had already closed their evidence. This fact itself proves that the petitioner has not come to the court with clean hands and is just trying to delay the proceedings in one way or the other. Furthermore, the petitioner has alleged that she resides at Delhi, however, even in the memo of parties filed before this Court, the address of the petitioner is of Rampura Phul, district Bathinda which admittedly is the address where she was served. Hence, this plea of the defendant is also incorrect and falsified from the record.

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

(JASWANT SINGH)
JUDGE

January 08, 2015
Vinay