

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 7832 of 2015 (O/M)
Date of decision : 26.11.2015

Shakuntala Devi

..... Revisionist

Versus

Sohan Lal and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ravinder Singh Randhawa, Advocate,
for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Both the Courts below have dismissed the application of the present revisionist filed under Order 9 Rule 13 of Code of Civil Procedure, 1908 (in short 'CPC') for setting aside the ex-parte judgment and decree dated 19.1.2011, passed by the learned Additional Civil Judge (Senior Division), Mohali.

The learned counsel for the revisionist contends that the earlier counsel had migrated to Canada in March, 2007 alongwith his family and, therefore, the case of the revisionist was not pursued. Consequently, ex-parte judgment and decree was passed.

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It comes out that even if the counsel had left for Canada in March, 2007, it appears that somebody was appearing on behalf of the applicant-present revisionist. She was duly served and her counsel kept on putting in appearance even after the alleged date of departure of the counsel. The stay application was decided on 29.4.2008. Thereafter two Pws were examined-in-chief and only on 28.1.2010, none had appeared on behalf of the applicant-present revisionist and she was proceeded against ex-parte. It means that at least for nearly three years, somebody was pursuing her case. Therefore, the ground that the counsel had left for Canada and she was not properly defended, does not hold any ground since the ex-parte judgment and decree was passed in the year 2011 and the applicant-present revisionist was duly represented through her counsel and she had slipped away during the evidence. Therefore, there is nothing to interfere in the concurrent findings recorded by both the Courts below.

Accordingly, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

26.11.2015
sjks