

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.3742 of 2015 (O&M)

Date of Decision.11.08.2015

Rewant Singh

.....Appellant

Versus

Satinder Kumar and others

.....Respondents

Present: Mr. Naresh Gopal Sharma, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

C.M. No.9183-C of 2015

For the reasons stated in the application, delay of 8 days in filing the appeal is condoned.

Application is allowed.

RSA No.3742 of 2015

1. The defendant who did not think it necessary to enter a contest allowed for some person in the name of one Raj Singh to appear on his behalf has a grievance that he did not authorize Raj Singh and it would appear also that there was yet another person Ranjit Singh who was appearing on his behalf later and when he did not take action for setting aside ex parte decree, he was informed that the better course would be to prefer an appeal against the ex parte decree. The appellate Court dismissed the appeal and there is second appeal against the orders.

2. The virtue pleaded on behalf of the defendant is that it was only an ex parte decree and that he must have an opportunity to contest the case. If the defendant was actually served with notice and he did not think it necessary to file an application to set aside the ex parte decree for whatever reason that he would have claimed, the decree could be assailed only on the basis that the Court did not have jurisdiction to pass the decree. If no such contention was possible, the appeal itself deserved no consideration and the Appellate Court was justified in dismissing the appeal.

2. I find no substantial question of law for consideration in the second appeal. The second appeal is dismissed.

(K. KANNAN)
JUDGE

August 11, 2015
Pankaj*