

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

C.R. No.265 of 2016

Date of Decision.15.01.2016

Shobhna Rani alias Shobi

.....Petitioner

Vs.

Rajinder and another

.....Respondents

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioner.

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?

-. -

K. KANNAN J. (ORAL)

1. A notice in application for restoration which is ordered to the respondent is a matter of grief for the petitioner himself to say that he had been set ex parte and the Court ought not to have ordered notice. Though it is not a mandate that notice must be issued to the ex parte respondent, if the Court chooses to do, that discretion will not be interfered in revision petition.

2. The petitioner has still grievance that the application for restoration is pending for the last one year without any order from the Court. The Presiding Officer shall mind his business with alacrity that the situatuion demands and ensure that the application for restoration is disposed of as expeditiously as possible. If a notice is not received as being evaded purposely, it will have the power also to proceed ex parte having regard to the fact that he had already remained ex parte at the stage when the final decree petition was dismissed. It is an unfortunate

reality that the trial Court decree for partition which has been passed has not come to the next stage of partition and separate possession. The Presiding Officer will also apprise himself of the judgment of Supreme Court in *Shub Karan Bubna Vs. Sita Saran Bubna (2009) 9 SCC 689* where the Court has provided that it shall be the duty of the Court to ensure that its own decree is executed even without having to file a petition for execution or filing any application. There must be a seamless procedure as the Supreme Court advocates that in a suit for partition, the Court should escalate its own effort to optimum level and ensure that the decree is not made merely a waste paper and allow for needless adjournments to take place over a period of time.

3. The revision petition is disposed of with the above observations.

(K. KANNAN)
JUDGE

January 15, 2016
Pankaj*