

Civil Revision No. 3433 of 2016

-1-

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 3433 of 2016

Date of Decision: 31.5.2016

Satwinder Kaur

---Petitioner

versus

Karambir Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sunil Agnihotri, Advocate
for the petitioner**

1. Whether Reporters of local papers 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?

Rekha Mittal, J.

Satwinder Kaur has invoked jurisdiction of this Court under Article 227 of the Constitution of India to assail order dated 5.3.2016 passed by the Civil Judge (Junior Division), Dasuya District Hoshiarpur

whereby the application filed by Karambir Singh respondent No. 1 under Order 9 rule 13 read with Section 151 of the Code of Civil Procedure (in short “CPC”) for setting aside the *ex parte* judgment and decree dated 23.8.2012 has been allowed.

On 16.5.2016, the order passed by this Court reads as follows:-

“The present petition has been directed against order dated 05.03.2016 (Annexure P-2) passed by the Civil Judge (Jr. Division), Dasuya, District Hoshiarpur, whereby application filed by respondent No.1 for setting-aside the *ex parte* judgment and decree dated 23.08.2012 passed in civil suit “**Satwinder Kaur vs Harjinder Singh and another**” has been allowed and the *ex parte* judgment and decree has been set-aside.

Prima facie, the order passed by the trial Court appears to be correct.

Counsel for the petitioner prays for 10 days time as there appears to be some possibility of a settlement.

Adjourned to 31.05.2016.”

Counsel for the petitioner has submitted that there is no settlement between the parties qua the dispute raised in the original suit.

I have gone through the impugned order (Annexure P-2) but do not find any error much less illegality warranting intervention in exercise of supervisory jurisdiction of this Court. Counsel for the petitioner is not in a position to advance any convincing arguments to assail the findings recorded by the trial court both in regard to respondent No. 1 being not properly served in the case and further that the application for setting aside the ex parte judgment and decree dated 23.8.2012 has been filed within limitation from the date of knowledge.

For the foregoing reasons, finding no merit, the petition fails and is accordingly dismissed in limine. No order as to costs.

(Rekha Mittal)
Judge

31.5.2016
PARAMJIT