

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

Civil Revision No.4177 of 2016

Date of decision: July 08, 2016

Arvinder Mahajan and others

...Petitioners

Versus

Bhupinder Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anil Chawla, Advocate for the petitioners.

Rajan Gupta, J.

Present revision petition is directed against the order dated 21.5.2016, passed by the trial court, setting aside ex-parte proceedings qua applicant/respondent No.1.

Order has been assailed on the ground that the trial court did not appreciate the controversy in correct perspective. It has set-aside the ex-parte order after a lapse of considerable period. Same, thus, deserves to be set-aside.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

It appears, plaintiffs filed a suit for permanent injunction restraining respondents from raising construction over the property as described in the plaint, with a further prayer that they be restrained from alienating the same. Plaintiffs claimed that they were co-owners of the property in question. Defendant No.2 was proceeded against ex-parte vide order dated 27.3.2006. Defendants No.1 and 3 appeared and filed

written statement denying the contents of the plaint. The case reached the stage of defence evidence. The trial was adjourned for very short date thereafter. On 3.9.2009 the trial court decreed the suit. On 3.10.2009 an application for setting-aside ex-parte decree was filed. After examining the evidence in support of the application, the trial court partly allowed the same and directed that ex-parte decree dated 3.9.2009 qua defendant Bhupinder Singh would be set-aside subject to payment of costs.

It is evident that Bhupinder Singh stepped into the witness-box and furnished his affidavit. Trial court accepted the plea that Bhupinder Singh had been wrongly proceeded ex-parte and decree dated 3.9.2009 qua him deserves to be set-aside. The reasons for non-appearance on two dates of hearing were found to be cogent. No infirmity with the orders passed has been pointed out. There is no ground to interfere in revisional jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

July 08, 2016
'Rajpal'