

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.4784 of 2014 (O&M)
Date of decision:14.03.2016

Sukhbir Kaur

... Petitioner

Vs.

Tarsem Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. B.S.Jaswal, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner-defendant No.10 is aggrieved of the dismissal of the application filed under Order 9 Rule 13 of the Code of Civil Procedure.

Mr. B.S.Jaswal, learned counsel appearing on behalf of petitioner-defendant No.10 submits that an ex parte judgment and decree dated 21.11.2002 was passed. On 13.08.2005, petitioner-defendant visited the concerned village from where she acquired the knowledge of the same, thereafter, filed an application under Order 9 Rule 13 of the Code of Civil Procedure for setting aside of the ex parte judgment and decree, aforementioned. In support of the application, placed on record copy of newspaper clipping to show that she was never served in the aforementioned suit and thus, judgment and decree affecting her right, though the plaintiff did not

claim any relief in the plaint against the applicant, thus, the Courts below have not appreciated the aforementioned fact, therefore, there is illegality and perversity in the impugned order.

I have heard learned counsel for the petitioner-defendant No.10 and of the view that there is no substance/merit in the submissions of Mr. Balbir Singh Jaswal, for, it is not a case where the address given in the suit and application is different. Once the address is correct and petitioner has been served through publication, it cannot be believed that she did not have the knowledge of suit. In cross examination, she admitted the factum of pendency of suit on the ground that her brother told her to sign the 'Vakalatnama' for engaging a counsel. No further evidence has come on record vis-a-vis acquiring knowledge of pendency of suit or its decision. It appears that application at the instance of defendant No.10, is a proxy litigation which should not be permitted by re-opening the entire settled matter by unsettling the same.

In view of the aforementioned observations, I do not intend to differ with the findings rendered in the impugned orders, much less, the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

March 14, 2016
savita