

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.513 of 2016 (O&M)
Date of decision:27.01.2016

Surinder Singh

... Petitioner

Vs.

Jaswant Singh

... Respondent

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:- Ms. Harpreet Kaur Dhillon, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Petitioner-defendant is aggrieved of the order dated 03.11.2015 (Annexure P-4) passed by the learned District Judge, Bathinda, whereby, the appeal filed by the petitioner against the order dated 27.03.2015 passed by the learned Civil Judge, dismissing the application for setting aside the ex parte decree dated 04.11.2008 against the petitioner has been dismissed.

Ms. Harpeet Kaur Dhillon, learned counsel for the petitioner-defendant submits that there is a categoric averment made in the application that defendant acquired the knowledge of the ex parte judgment and decree in the month of January 2011. It was categorically pleaded in the application that defendant fell ill, in the month of September 2008 and his counsel stopped appearing in the

proceedings on his behalf, thus, he was proceeded against ex parte on 07.10.2008. Both the Courts below have erroneously dismissed the application being barred by law of limitation.

I have heard learned counsel for the petitioner-defendant and appraised the paper book.

It is conceded position on record that acquisition of the knowledge of ex parte judgment and decree, aforementioned came to the knowledge of the petitioner-defendant in January 2011, whereas, application has been filed on 11.04.2011. No explanation, much less, cogent reasons have come forth in not moving the application within a period of 30 days from acquiring the knowledge of the ex parte judgment and decree which is statutory requirement of law. In the absence of any explanation, both the Courts below have rightly dismissed the application.

In view of the aforementioned observations, no ground is made out for interference in the impugned order. Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

January 27, 2016
savita