IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.5825 of 2015
Date of Decision: February 03, 2016

Bijesh

...Petitioner

Versus

Banwari Lal (deceased) through L.Rs and others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Chand Ram Olla, Advocate,
for the petitioner.

Mr.Pankaj Jain, Senior Advocate with
Mr.Sachin Bhardwaj, Advocate,
for respondent No.1.

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AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the order dated 25.8.2015, whereby the application filed under Order 1 Rule 10 CPC in the pending application under Order 9 Rule 13 CPC seeking setting-aside of the *ex-parte* judgment and decree dated 19.9.2012 and order dated 18.9.2007, has been dismissed.

Mr.Chand Ram Olla, learned counsel appearing on behalf of the petitioner submits that the petitioner is in possession of the property and would be seriously affected with the aforementioned judgment and decree and, therefore, feeling essential and necessary, filed the present application, which has been dismissed erroneously and perversely.

Mr.Pankaj Jain, learned Senior Counsel assisted by Mr.Sachin

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authenticity of this document
High Court Chandigarh

Bhardwaj, appearing on behalf of respondent No.1 submits that the application is not maintainable in view of the ratio decidendi culled out by this Court in **Vivek Malhotra Versus Smt.Ajit Kaur Gill and others, 2015(1) PLR 514.**

I have heard the learned counsel for the parties and appraised the paper book and am of the view that there is no substance in the revision petition.

The petitioner has not sought the remedy available under the Civil Procedure Code. In case he was aggrieved of the *ex-parte* judgment and decree being in possession, nothing prevented him to file the objections under Order 21 Rule 97 CPC, but not in the manner and mode of moving the application under Order 1 Rule 10 CPC, which would only apply to the proceedings pending in the suit.

There is no merit in the revision petition. The same is accordingly dismissed.

February 03 , 2016 **(AMIT RAWAL)**
ramesh **JUDGE**

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