

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

C.R. No.6042 of 2016 (O&M)

Date of Decision.03.11.2016

Faqir Singh

.....Petitioner

Vs

Kashmir Kaur and another

.....Respondents

Present: Mr. Deepak Arora, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

-.-

AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order whereby the application of the respondent-decree holder/plaintiff to seek assistance of the Court to place on record the copy of the judgment & decree dated 11.02.2015 rendered in suit titled as “Fakir Singh Vs. Kashmir Kaur” by way of additional evidence, has been allowed.

Mr. Deepak Arora, learned counsel appearing for the petitioner submits that in an application under Order 9 Rule 13 CPC seeking setting aside of the ex parte judgment and decree dated 16.02.2008 in suit filed by respondent-plaintiff, the aforementioned application was filed. The respondent-plaintiff could have led the evidence at the time when he was leading the affirmative evidence in respect of the application stated to have been filed. The application is nothing but an attempt to fill up the lacuna which is not permissible, as valuable right has accrued in favour of the petitioner-judgment debtor.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that the judgment aforementioned dated

11.02.2015 is essential and necessary for proper adjudication of the *lis*, particularly when they are between the same parties and the petitioner had every right to challenge the same.

In my view, the allowing of the application for placing on record the judgment and decree aforementioned will help for proper adjudication of the *lis*, stated to be pending under Order 9 Rule 13 CPC seeking setting aside the judgment and decree dated 16.02.2008. I do not find any illegality and perversity in the order under challenge, much less, the order cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

November 03, 2016

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No