

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

**CR No.906 of 2016**

**Date of decision :01.06.2016**

**Rajeev Sharma**

**..... Petitioner**

**Versus**

**Shiv Kumar**

**.....Respondent**

**CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr.Rajeev Sharma, Advocate  
for the petitioner.

Mr. R.S.Randhawa, Advocate  
for respondent.

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- 1. Whether Reporters of Local papers may be allowed to see the judgment?Yes.**
- 2. To be referred to the Reporters or not?Yes.**
- 3. Whether the judgment should be reported in the Digest?Yes.**

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**DARSHAN SINGH, J. (Oral)**

1. The present revision petition has been preferred against the order dated 07.11.2013, passed by the learned Civil Judge (Junior Division), Ludhiana, whereby the defence of the petitioner-defendant was struck off.

2. Learned counsel for the petitioner contended that four suits for specific performance of agreement were filed against the petitioner in civil Court at Ludhiana and were clubbed together. A criminal case was also registered against

the petitioner under Section 381 of Indian Penal Code at Police Station Focal Point, Ludhiana at the instance of his former employer. The petitioner had moved various representations to the authorities for justice and proper investigation of the case. He was waiting the findings of the authorities, so he could not file the written statement and his defence was struck off in all the cases. Thereafter, he moved civil revision before this Court. But, due to some inadvertent mistake, the impugned order passed in civil suit no. 15968 of 2013 titled as 'Shiv Kumar Vs. Rajeev Sharma', could not be challenged. He contended that the petitioner may be granted one opportunity to file the written statement.

3. On the other hand, Mr. R.S.Randhawa, Advocate, learned counsel for the respondent-plaintiff contended that the suit has reached at the argument stage. The evidence of the plaintiff-respondent has already been concluded in the presence of the petitioner. The impugned order was passed on 07.11.2013. The present revision petition has been filed on 05.02.2016 i.e. after more than two years and three months even though the petitioner was fully aware of the impugned order as he has challenged the orders passed on the same date in other connected civil suits. He contended that the plea raised by learned counsel for the petitioner that the impugned order could not be challenged inadvertently carries no substance as all the four cases were clubbed together and that

the petitioner is contesting the suits. Thus, he contended that the present revision petition has only been filed to prolong the case.

4. I have duly considered the aforesaid contentions.

5. It is the case of the petitioner himself that four civil suits were filed against him and all the four civil suits were clubbed together by the learned trial Court. It is also the admitted case of the petitioner that the defence in all the cases was struck off by the learned trial Court vide order dated 07.11.2013. The petitioner has challenged the order dated 07.11.2013 striking off his defence in three cases and no petition to challenge the impugned order in civil suit no.15968 of 2013 was filed.

6. It is not disputed that now the suit has reached at its fag end and is pending for hearing the final arguments. The impugned order was passed on 07.11.2013. Even, civil revision no. 7746 of 2013 preferred by the petitioner to challenge the order dated 07.11.2013 passed in other civil suit was decided by the Coordinate Bench of this Court on 16.12.2013 and thereafter, he has been contesting the suits. The present revision petition has been filed on 05.02.2016 i.e. about two years and three months of the passing of the impugned order as well as decision of civil revision no. 7746 of 2013. If there would have been inadvertent mistake on the part of the petitioner, it could have certainly come to his notice

at least after the decision of Civil Revision no. 7746 of 2013.

This fact is not disputed that he has joined the proceedings of all the suits. Thus, it shows that the gross negligence or deliberate omission on the part of the petitioner. The present petition also suffers from the delay and latches on his part. The present revision petition also does not seem to be *bona fide* as the suit has reached at its fag end. If this revision petition is allowed, it will amount to start the trial *denovo*.

7. Thus, keeping in view of my aforesaid discussion, I do not find any illegality in the well reasoned order passed by the learned trial Court calling for any interference by this Court.

8. Consequently, the present revision petition having no merits, is hereby dismissed.

**01.06.2016**

S.khan

**(DARSHAN SINGH)**  
**JUDGE**