

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2547 of 2016 (O&M)
Date of Order: 07.12.2017

Brahm Parkash

..Petitioner

Versus

Satbir Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramehnder Chauhan, Advocate,
for the petitioner.

Mr. Gulrej Khan, Advocate, for
Mr. Amit Kumar Goyal, Advocate,
for the respondents.

ANIL KSHETARPAL, J.

Defendant no.2 is the petitioner in the present revision petition.

Plaintiff filed a suit for possession by way of specific performance of the agreement to sell on 12.09.1998.

Summons were sent to both the defendants. Defendant no.1 Umed Singh appeared and contested the suit. However, Defendant no.2 refused to accept summons sent to him. The summons were pasted on the outer gate of the residence of the petitioner. Thereafter, the Court got conducted a proclamation in a village and since the petitioner did not appear, therefore, he was proceeded against ex-parte.

The suit filed by the plaintiff for specific performance of the agreement to sell was decreed on 13.09.2004. After the decree was passed in execution petition, judgment debtor refused to execute the sale deed and hence the sale deed was got registered by the Court with the help of Local

Commissioner on 16.04.2007. The possession of the land was also delivered to the decree holder on 16.05.2007.

Petitioner filed an application for setting aside an ex-parte order on 01.10.2007. Both the Courts after examining the facts available on the file have recorded a concurrent findings of fact that in fact the petitioner had refused to accept summons, therefore, he was deemed to have been served. Still further the courts below have noticed that the petitioner is resident of the village where proclamation was conducted but still the petitioner did not chose to put in appearance. The courts have further noticed that decree holder was delivered possession on 16.05.2007, even at that point of time petitioner did not woke up and filed an applications.

Taking into consideration these facts, which are not being disputed, this Court does not find any good ground to interfere with the concurrent findings of fact arrived at by the courts below.

The revision petition is dismissed.

December 07, 2017
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No