

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

Civil Revision No.3084-2013

Date of decision: January 23, 2017

Sheetal

...Petitioner

Versus

Ram Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sandeep Punchhi, Advocate for the petitioner.

Mr. Sandeep Jasuja, Advocate for respondents No.1 & 2.

Rajan Gupta, J.(oral)

Present revision petition is directed against the order dated 18.03.2013, passed by the trial court, whereby application filed on behalf of petitioner/defendant No.8 for setting aside ex-parte proceedings was disposed with liberty to her to join proceedings from the stage, they were pending.

Learned counsel for the petitioner submits that trial court ought to have permitted the petitioner to lead evidence in order to rebut the case of plaintiff from the stage of framing issues. According to him, order passed by the court below is erroneous and therefore, deserves to be set-aside.

Prayer has been opposed by counsel appearing for respondents No.1 and 2. According to him, application is not maintainable at such a belated stage. Petitioner filed instant application intentionally with a view to delay proceedings of the case.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears, respondents No.1 & 2 filed a suit against petitioner as well as proforma respondents that they were owners of moveable and immovable properties as detailed in the plaint. They had acquired the properties vide Will dated 25.4.2004 executed by their grand mother in their favour, thus, mutation No.2055 sanctioned in favour of legal heirs of deceased Saraswati Devi was illegal, null and void. A consequential relief of permanent injunction was also sought to restrain the defendants from alienating the suit property in any manner. When case was at the stage of rebuttal and arguments, instant application was moved by the petitioner/defendant No.8 for setting aside ex-parte proceedings against her. After hearing both the parties, trial court permitted the petitioner to join the proceedings from the stage the suit was pending. I find no infirmity with the order passed. Suit was instituted way back on 14.06.2006. Admittedly, brother of the petitioner namely Manglam was contesting the suit from the very beginning. It has not been explained how the petitioner remained oblivious of the proceedings despite the fact that her brother was contesting the same. I am of the considered view that instant application has been filed only to delay proceedings of the case. Evidence has already been led by the contesting defendants and it is not appropriate to start de novo trial. I find no ground to interfere in revision jurisdiction of this court. Revision petition is, thus, without any merit and is hereby dismissed.

January 23, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No