

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

Civil Revision No.3591 of 2017

Date of decision: May 18, 2017

Bant Singh

...Petitioner

Versus

Ajaib Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vijay Lath, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 01.05.2017, passed by the trial court, whereby application for setting aside ex-parte proceedings against defendants No.1, 2, 4, 5 & 8 has been allowed.

The order has been assailed by the counsel for the petitioner. According to him, the applicants were fully aware of the pendency of suit and they did not appear before the court intentionally. Thus, the order deserves to be set-aside.

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

It reveals that petitioner filed a suit for declaration to the effect that he is owner in possession of 1/2 share in the house in question on the basis of Will dated 31.03.1998, executed by his father Jit Singh, with consequential relief of permanent injunction restraining the defendants from interfering in his possession over the suit property as well as alienating the same. When evidence of the plaintiff was going, defendants No.1, 2, 4, 5 & 8 could not appear before the court, thus, they were proceeded against

ex-parte on different dates. Application filed by these defendants for setting-aside ex-parte proceedings has been allowed by the trial court subject to payment of Rs.2000/- as costs. Aggrieved, plaintiff filed the present revision petition.

I find no legal infirmity with the order. Petitioner has challenged various zimni orders, passed by the court. It is not clear how they are amenable to the revisional jurisdiction and what prejudice has been caused to him by setting-aside ex-parte proceedings against the defendants. Counsel has been repeatedly asked as to what prejudice has been caused to the petitioner. However, no clear answer is forthcoming. The petition is totally frivolous in nature. Filing of such petitions needs to be discouraged. Same is, thus, dismissed with Rs.30,000/- as costs.

(RAJAN GUPTA)
JUDGE

May 18, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No