

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

CR No.4916 of 2017(O&M)
Date of Decision: 28.07.2017

Gurjit Singh

-PETITIONER

VS

Ajit Singh and another

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.S. Sirphikhi, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has challenged the order dated 29.04.2015 passed by Civil Judge (Junior Division), Batala, whereby he was proceeded against ex parte and the order dated 04.07.2017, whereby the application filed for setting aside the ex parte proceedings was also dismissed.

Petitioner was proceeded against ex parte vide order dated 29.04.2015. In the application filed for setting aside the aforesaid order, the petitioner took a specific stand that due to his mental illness, he could not appear in the Court on the date of hearing. The date of filing of the application is conspicuously missing from the application Annexure P4.

The application was contested by the respondents on the ground that previously also the petitioner did not appear in the Court and he was proceeded against ex parte. The

application for setting aside those ex parte proceedings was allowed by the Court by taking a lenient view on 20.02.2015 and the petitioner was allowed to file written statement. Thereafter, on 29.04.2015, the petitioner again absented from the Court. No medical record was tendered in the Court in order to project any sufficient ground for his absence. The present application has been moved after two years of passing of the order.

The trial Court also noticed that on earlier occasion, he was proceeded against ex parte on 14.10.2013 and thereafter, he moved the application on 12.11.2014 i.e. after the expiry of almost one year, which was ultimately allowed on 20.02.2015 subject to cost of Rs.1000/-. Owing to the conduct of the petitioner, trial Court has not granted any indulgence in favour of the petitioner.

I have also considered the aforesaid facts. In my considered opinion, the petitioner does not deserve any concession even at the hands of this Court. Consequently, the present revision petition stands dismissed.

28.07.2017
Prince

(RAJ MOHAN SINGH)
JUDGE