

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

CR No. 5751 of 2016 (O&M)

Date of Decision: 10.11.2017

RAJPAL

-PETITIONER

VS

PANMESHWARI

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manoj Tanwar, Advocate,
for the petitioner.

Mr. Sumit Sangwan, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

CM-17759-CII-2016

For the reasons mentioned in the application, delay
of 27 days in filing the present revision petition is condoned.

Application stands disposed of.

Main case

[1]. This revision petition has arisen against the judgment
and decree dated 31.01.2014 passed by Additional Civil Judge
(Senior Division), Charkhi Dadri and judgment dated 02.05.2016
passed by District Judge, Bhiwani vide which the appeal was
rendered infructuous in view of decision rendered by the High
Court in Civil Revision No.502 of 2014.

[2]. A civil suit for recovery was filed by the plaintiff-

respondent on 21.12.2000 against her brother on the basis of pronote and receipt. In the said suit, defendant-petitioner was proceeded against exparte and ultimately, suit was decreed exparte vide judgment and decree dated 18.07.2003.

[3]. The plaintiff-decree holder filed execution of the decree in which defendant-petitioner appeared on 16.10.2004 and thereafter, he filed an application under Order 9 Rule 13 CPC on 19.10.2005 for setting aside exparte judgment and decree dated 18.07.2003.

[4]. The trial Court dismissed the application vide order dated 24.01.2013, against which an appeal was preferred before the lower Appellate Court which was accepted by the lower Appellate Court vide order dated 13.12.2013.

[5]. Civil Revision No.502 of 2014 was filed by the plaintiff-respondent against the order dated 13.12.2013 passed by Additional District Judge, Bhiwani. Since, no stay was granted in Civil Revision No.502 of 2014, therefore, the suit proceedings ultimately culminated in judgment and decree dated 31.01.2014.

[6]. An appeal was preferred before the lower Appellate Court and in the meanwhile, on the basis of decision in Civil Revision No.502 of 2014 on 08.02.2016, the lower Appellate Court vide judgment dated 02.05.2016 has rendered the trial Court decree to be infructuous.

[7]. The present revision petition has been preferred against the judgment dated 02.05.2016 passed by the District Judge, Bhiwani, rendering the suit proceedings to be infructuous.

[8]. Keeping in view the inter-se relationship between the parties, the Court granted indulgence and referred the matter to Mediation and Conciliation Centre at Bhiwani for amicable resolution of the dispute. The intended effort did not fructify and the Mediation and Conciliation Centre at Bhiwani has referred the matter to High Court for disposal on merits.

[9]. Since, Civil Revision No.502 of 2014 has already been accepted, with the acceptance of aforesaid civil revision, exparte judgment and decree dated 18.07.2003 has been revived.

[10]. In view of above, the lower Appellate Court has rightly passed the judgment dated 02.05.2016. No error of jurisdiction can be noticed in the impugned order.

[11]. This revision petition is found to be totally bereft of merits and the same, is accordingly, dismissed.

10.11.2017
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No