

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

Civil Revision No.6708 of 2016

Date of decision: April 19, 2017

Lehmber Singh @ Bagga

...Petitioner

Versus

Baljinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 23.8.2014, passed by the trial court as well as order dated 5.7.2016, passed by Addl. District Judge, Kapurthala, whereby application filed by the petitioner under Order 9 Rule 13 CPC has been dismissed.

It has been urged before the court that petitioner is illiterate person and was wrongly proceeded ex-parte on the basis of false report, who was never served.

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

It appears, a suit for possession by way of specific performance of an agreement to sell dated 24.4.2008 was filed by the respondent/plaintiff regarding 11 Kanals of land as mentioned in the plaint. Suit was decreed on 29.07.2009 against the defendant/petitioner. Petitioner moved application under Order 9 Rule 13 CPC. Same was dismissed by the trial court, observing that since petitioner was duly served, he was having

knowledge regarding pendency of suit and it found no ground to set-aside the ex-parte judgment and decree. Against the said order, petitioner preferred appeal before the first appellate court. Same was dismissed by Additional District Judge, Kapurthala on 5.7.2016. Aggrieved, petitioner filed instant revision petition. I find no infirmity with the orders passed by both the courts below. It reveals that petitioner was duly served as per report of the process server i.e. RW-2 Ram Parshad and his report cannot be disbelieved. Moreover, petitioner in his cross-examination has admitted that his son had knowledge regarding pendency of the suit. I find no ground to interfere in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 19, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No