

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

145

CR No.6714 of 2017
Date of Decision:30.11.2017

Lachhman Singh @ Sohan Singh

...Petitioner

Versus

Jarnail Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

ANIL KSHETARPAL, J.(Oral)

Defendant No.9-petitioner is in revision petition against the order dismissing the application for setting aside ex-parte order and confirmation of aforesaid order in appeal.

It is not in dispute before me that defendant No.9-petitioner was served and he appeared through counsel on 16.04.2010. Counsel for defendant No.9-petitioner repeatedly appeared before the Court for almost a period of 6 months. However, on 21.10.2010 counsel for the petitioner did not put in appearance and hence the petitioner was proceeded ex-parte.

It may be noticed here that during this period of 6 months, defendant No.9-petitioner neither filed any written statement nor took any step to defend the suit.

Petitioner filed an application under Order 9 CPC for setting aside ex-parte order on 12.08.2013 that is after a period of almost 3 years.

Both the Courts have noticed that the limitation for setting aside ex-parte proceedings is 30 days from the date of the order. The Courts have further noticed that the application was filed after a period of 3 years

and there was no application for condonation of delay. The Courts below have further noticed that conduct of the petitioner clearly shows that the petitioner is not a serious litigant.

Learned counsel for the petitioner could not point out any substantive error in the impugned orders passed by the Courts below.

In view thereof, there is no scope for interference.

Hence, this revision petition is dismissed.

30.11.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No