

255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1146-2017 (O&M)
Date of decision : 17.01.2018

Sunil Sharma

..... Petitioner

Versus

Vinod Sharma

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Lajpat Sharma, Advocate for the petitioner.

Mr. Ravi Dutt Sharma, Advocate for respondent.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 6.1.2017 passed by learned Civil Judge (Junior Division), Kaithal whereby an application filed by the petitioner under Order 9 Rule 13 CPC for setting aside the ex-parte judgment and decree dated 25.2.2012 (Annexure P-1) was dismissed.

It comes out that the said order is an appealable order under Order 43 Rule 1 (d) CPC. As such the revision petition is not maintainable.

Accordingly, present revision is dismissed being not maintainable with liberty to the petitioner to file an appeal against the said order. However, if such appeal is filed, the period during which the revision petition remained pending before this Court, shall be considered by the learned Appellate Court for exclusion under Section 14 of the Limitation Act.

Dismissed in the above terms.

17.1.2018
preeti

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned	Yes
Whether Reportable:	No