

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.3981 of 2018
Date of Decision: December 17, 2018

Ram Kumar (now deceased) through L.Rs & others

...Petitioners

Versus

Guruwar Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Vikram Singh, Advocate &
Mr. Abhinav Sood, Advocate,
for the petitioners.

Mr. Deepak, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

The present revision petition is directed against the impugned order dated 04.05.2018 (Annexure P-6), whereby Civil Misc.Appeal filed against the order dated 15.01.2015 (Annexure P-4) of the trial court dismissing the application for setting-aside the *ex-parte* judgment and decree dated 02.12.2004, has been dismissed.

Mr. Vikram Singh, learned counsel for the petitioners submitted that the petitioners were not aware of the *ex-parte* judgment and decree and the *ex-parte* order and moved the application aforementioned only on acquisition of the knowledge on 03.02.2010. The Court ought not to have adopted harsh approach, rather while considering the facts pragmatically, set-aside the *ex-parte* judgment and decree for permanent injunction, whereby petitioner- defendants were restrained from interfering

into peaceful possession and dispossession of the plaintiffs.

I am afraid that the aforementioned argument is not sustainable as the explanation given is not backed by any cogent or reasonable explanation regarding acquisition of the knowledge. Cause of action has been created by causing pleading of the *ex-parte* judgment and decree only two days before submission of application. In the instant case, the application was filed after expiry of almost six years. On the other hand, the petitioners had also been contesting the execution application purportedly filed under Sections 21 and 32 of the CPC.

For the reasons mentioned above, the findings arrived at by the trial court affirmed by the Lower Appellate Court cannot be said to be suffering from illegality or perversity. Resultantly, the revision petition stands dismissed.

December 17, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No