

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.7229 of 2017
Date of decision:09.02.2018

Mansa Ram

... Petitioner

Vs.

Goverdhan Lal through LRs

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Roopak Bansal, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The appellant-defendant is aggrieved of the impugned orders dated 02.04.2013 (Annexure P-2) and 01.02.2016 (Annexure P-4), whereby, his application filed under Order 9 Rule 13 of Code of Civil Procedure, for setting aside the ex parte decree dated 27.02.2007, has been dismissed.

Mr. Roopak Bansal, learned counsel for the petitioner-defendant submitted that the aforesaid ex parte decree was passed by obtaining the report in collusion with the process server. The application is of 20.07.2010. The knowledge of the ex parte decree came only when the respondent sought the execution of the decree in the year 2010 and therefore, the application was filed. The Court below framed the issue and despite the fact that consistent and coherent evidence had been led yet dismissed the application. No harm and prejudice would be caused to the respondent, in case the impugned orders are set aside.

I have heard the learned counsel for the petitioner-defendant, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Roopak Bansal.

Both the Courts below found that the petitioner-defendant has not been able to prove on record that no service has been effected upon him in the original suit as the address given in the suit and application is same. It is un-believable that a person who have sought the recovery of ₹5,85,00/- would sit idle. This is what is the import of the orders under challenge.

In view of the aforementioned observations, I do not find any illegality and perversity in the orders under challenge, much less the same cannot be said to have been passed without jurisdiction.

Accordingly, the revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

February 09, 2018
savita

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