

Sr.no.220

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CR No.8774 of 2014(O&M)

Date of Decision: 23.02.2018

Hardeep Singh

.....Petitioner

versus

Milakh Raj

.....Respondent

CORAM HON'BLE MR. JUSTICE KULDIP SINGH

Present Mr.P.S.Jammu, Advocate for the petitioner.
Mr.B.S.Mittal, 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 is order dated 15.11.2014, passed by learned Additional Civil Judge (Jr. Divn), Sirsa, vide which, an application filed by the present petitioner under Order IX Rule 13 CPC, 1908 was dismissed after closing his evidence by order on account of non appearance and non production of evidence and also for non payment of costs.

I have heard the learned counsel for the parties and also carefully gone through the file.

Perusal of the impugned order shows that plaintiff / respondent had filed a suit summarily for recovery under Order XXXVII of the Code of Civil Procedure, 1908. In the said case, defendant is recorded to have been informed but he had refused service thereafter. He was also served through munadi but he did not appear within 10 days to make the claim. Consequently, suit was exparte decreed on 13.11.2007 and during the

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execution proceedings, an application for setting aside the exparte decree was filed and the present petitioner was called upon to lead evidence. Applicant failed to lead any evidence despite last opportunity and payment of costs hence, the application for setting aside the exparte decree and judgment was also dismissed.

I am of the view that there is no illegality or infirmity in the impugned order. When the exparte judgment and decree was passed, the applicant filed an application for setting aside the same. He was afforded sufficient opportunities to lead the evidence but he failed to lead evidence to show that he was not served. There had to be some end to the adjournments. Even at the time of passing of the impugned order, learned counsel for the petitioner was not present. It being so, there is no ground to interfere with the impugned order.

Consequently, the present revision petition is dismissed.

Costs of ₹20,000/- deposited in terms of order dated 23.12.2014 be paid to the respondent.

23.02.2018
mamta

(KULDIP SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No