

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

**CR No.1077 of 2018(O&M)
Date of Decision: 18.07.2019**

Jaswant Singh

....Petitioner

Versus

Nirbhai Singh and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. M.K Singla, Advocate with
Ms. Shikha Singla, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has preferred this revision petition against the order dated 17.01.2017 passed by Civil Judge (Senior Division), Sangrur and order dated 17.11.2017 passed by Additional District Judge, Sangrur whereby the application under Order 9 Rule 13 CPC was dismissed concurrently.

[2]. In a suit for recovery, the petitioner/defendant No.1 was proceeded against *ex parte* after due service and even after filing of written statement. The Advocate representing the

petitioner did not appear in the suit and the petitioner was proceeded against *ex parte* on 18.01.2014. Thereafter, the suit was ultimately decreed vide judgment and decree dated 30.05.2014.

[3]. In the application under Order 9 Rule 13 CPC filed by the petitioner, issues were framed. Under issue No.1, petitioner has only examined himself as AW 1 and thereafter, he closed his evidence by making a statement before the Court. No other evidence was produced in order to show sufficient ground for not appearing in the Court on 18.01.2014.

[4]. Even in the affidavit Ex.AW1/A filed by the petitioner, he did not disclose the name of his counsel. As per his version, he kept on contacting his counsel on mobile. Petitioner as well as his son were pursuing the litigation. No complaint was filed at any point of time against the counsel who misconducted himself in not appearing in the case before the trial Court. Even the name of the same counsel had appeared in the judgment and decree dated 09.07.2016 Exs.R1 and R2. The said decision was subsequent to the date on which the petitioner was proceeded against *ex parte* and even *ex parte* decree was passed. The aforesaid fact shows that the petitioner had full faith in his Advocate.

[5]. Owing to the conduct of the petitioner, no indulgence

can be granted in this revision petition. This revision petition is accordingly dismissed.

18.07.2019

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No