

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.175 of 2015 (O&M)
Date of Decision: May 07, 2019

Rajesh Kumar

... Petitioner

Versus

Vijay Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Deepak Arora, Advocate,
for the petitioner.

Amit Rawal, J. (Oral)

CM-28713-CII-2018

For the reasons recorded in the civil misc. application, which is supported by an affidavit, same is allowed. C.R. No. 175 of 2015 is restored to its original number.

CR-175-2015

Mr. Deepak Arora, learned counsel, appearing on behalf of the petitioner, undertakes that costs imposed vide order dated 14.11.2017 shall be deposited during the course of the day.

Present revision petition is directed against the impugned order whereby application filed under Order 9 Rule13 C.P.C. for setting aside *ex parte* decree dated 17.11.2008 passed in Civil Suit No. 22/05, ordering for recovery of Rs.20,000/- along with interest at the rate of 9% per annum from the date of filing of the suit till the date of decree and 6% per annum from the date of decree till its realization on the principal amount, has been

dismissed.

An application under Order 9 Rule 13 CPC for setting aside the *ex parte* judgment dated 17.11.2008 was submitted by the petitioner-defendant on 22.08.2009. The Courts below dismissed the application as per the provisions of Order 17, Rule 3 CPC, as the applicant-defendant failed to examine any witness in spite of availing numerous opportunities and failed to lead evidence in support of his application.

In view of this, the petitioner has not been able to justify the cause of his absence. No interference is called for.

Revision petition stands dismissed accordingly.

May 07, 2019
vkd

(Amit Rawal)
Judge

Whether reasoned / speaking : Yes

Whether reportable : No