

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

CR No.1466 of 2018 (O&M)

Date of Decision : 06.03.2019

Yakub

..... Petitioner

Versus

Sharif and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

1. This revision is directed against the impugned order passed by the Ld. Additional District Judge, Palwal on 13.07.2016 vide which the petitioner's application under Order 41 Rule 21 read with Section 151 CPC for setting aside the *ex parte* judgment and decree passed against him in the original Civil Appeal way back on 24.05.1986, was dismissed.

2. Ld. Court below while dismissing the petitioner's application had not lent any credence to his contention that he was not aware about filing of the appeal against him. On the contrary, it was the Court's observation that not only the petitioner in his capacity as respondent No.8 in the said appeal had been served by way of *Munadi*, but that thereafter he was even represented by his counsel Mr. V. D. H. Sharma, who was also his original counsel in the Ld. Trial Court. As such, there was no reason to believe his contention that he became aware about the judgment passed against him in the appeal almost 28 years later before he filed his aforesaid application on 05.05.2014.

3. This Court finds no irregularity or impropriety in the observations of the Ld. Court below. On the contrary, it is seen that even for preferring the present revision against the impugned order, there has been a similar inordinate delay in approaching this Court. The impugned order was passed on 13.07.2016. The petitioner applied for its certified copy almost 04 months later on 08.11.2016, which was delivered to him a week later. He, thereafter, filed the present revision more than one year and three months later. There is, as such, no reason to doubt that the present proceeding, as also the original application dismissed vide the impugned order, were all dilatory tactics adopted by the petitioner seeking to avoid execution of the decree against him.

4. This Court, thus, finds no merit in the present petition and the same is, therefore, dismissed.

(SUDIP AHLUWALIA)
JUDGE

March 06, 2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No