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

CR No. 2636 of 2017

Date of Decision: 04.04.2019

Paramjit Kaur

-Petitioner

Vs

Malkiat Rai and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Kanwaljit Singh, Sr. Advocate, with
Mr. Ashish Soi, Advocate, and
Mr. Satbir Singh Gill, Advocate,
for the petitioner.

Mr. Rajan Bansal, Advocate,
for respondent No.1.

RAJ MOHAN SINGH, J. (ORAL)

1. During course of arguments, it transpires that during pendency of original suit, a statement was made by the plaintiff that he had no substantive right qua defendant No.3.

2. The suit was got dismissed as withdrawn qua defendant No.3-petitioner.

3. Thereafter, defendant No.1 was proceeded against exparte and expare judgment and decree was passed on 20.09.2010.

4. In execution of that exparte judgment and decree, a sale deed was executed with the process of the Court.

5. In an application under Order 9 Rule 13 CPC, *exparte* judgment and decree dated 20.09.2010 was set aside. As a consequence of that, consequent sale deed has to be treated to be on questionable note.

6. The objections filed by the petitioner in the execution of said decree were dismissed and the present revision petition has arisen from that order.

7. In view of aforesaid factual position, nothing survives for consideration of this Court in this revision petition as *exparte* judgment and decree itself has been set aside under Order 9 Rule 13 CPC and *exparte* decree is not even in existence.

8. In view of aforesaid, order dated 02.11.2016 (Annexure P-5) is not legally sustainable.

9. Disposed of.

04.04.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No