

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Revision No.5418 of 2010 (O&M)  
Date of Order:27.02.2019

Chattar Singh

..Petitioner

Versus

Sardyal Singh Parmar

..Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. R.K.Chauhan, Advocate,  
for the petitioner.

Mr. Sanjeev Pandit, Advocate,  
for the respondent.

**ANIL KSHETARPAL, J(Oral)**

Defendant-petitioner is in the revision petition against the concurrent findings of fact arrived at by the courts below while dismissing the application under Order 9 Rule 13 of the Code of Civil Procedure for setting aside the ex-parte judgment and decree dated 05.04.2007.

It has come on record that the defendant-petitioner in the suit had appeared through counsel and thereafter he was proceeded against ex-parte on 01.12.2006 as neither he nor his counsel appeared on the date fixed. The judgment and decree was passed on 05.04.2007.

Petitioner filed an application for setting aside an ex-parte judgment and decree as well as proceedings on the ground that his counsel had given him wrong date i.e. 06.09.2007. Defendant-petitioner even in the proceedings for setting aside ex-parte judgment and decree did not come forward to face cross-examination. His statement in chief was filed by way

of affidavit, however, he did not choose to appear and face cross-examination. The plea taken by the defendant-petitioner to set aside a judgment and decree, remained unsubstantiated. Still further defendant-petitioner is a non-serious litigant. He did not even file written statement after having appeared in the court through counsel.

After going through the orders passed by both the courts below, this court is of the opinion that there is no ground to interfere in exercise of revisional jurisdiction particularly when counsel has failed to point out any substantive error, material irregularity or perversity in the orders.

The revision petition is dismissed.

**February 27, 2019**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

|                           |          |
|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether reportable        | : Yes/No |