

CR-2538-2019 (O&M)

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

CR-2538-2019 (O&M)

Date of decision : 28.05.2019

Sukhwinder Singh

... Petitioner

Versus

Asha Rani and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Shehbaz Thind, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against impugned order dated 14.11.2018 (Annexure P-3), whereby the application of the plaintiff for rejection of written statement of respondent/defendant No.2-Darshan Singh, has been dismissed.

Mr. Thind, learned counsel for the petitioner submitted the petitioner-plaintiff had filed the Civil Suit on 15.07.2017 for specific performance of agreement to sell dated 04.04.2000, executed by defendant No.1. Defendant No.2 in connivance with defendant No.1, obtained the *ex parte* judgment and decree. Defendant No.2 appeared through counsel on 11.08.2017 and the matter was adjourned to 01.09.2017. The power of attorney was filed and thereafter, adjourned to 03.10.2017. On 03.10.2017, an application was filed for production of the original documents and reply was filed on 03.11.2017 and the case was adjourned to 13.11.2017. The

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original documents were shown, but defendant No.2 did not file the written statement as he had the knowledge of the documents. By that time, the period of 90 days has elapsed, therefore, required to be taken by way of objection.

I am afraid the aforementioned argument is not sustainable, for, no objection was filed, at the time when written statement was filed on 06.04.2018, whereas the application is dated 18.09.2018 i.e. after 5 months. The law of acquiescence was recognized.

Keeping in view the aforementioned facts, the impugned order, under challenge, cannot be said to be fallacious and infirm, much less, without jurisdiction. No ground is made out for interference. Resultantly, the present revision petition is dismissed.

28.05.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**