

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.5994 of 2019(O&M)
Date of Decision: 15.10.2019

Natha Singh

.....Petitioner

Versus

Beer Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:None.

RAJ MOHAN SINGH, J.(Oral)

[1]. This case was passed over on three occasions before lunch. On fourth occasion, some proxy counsel appeared on behalf of the petitioner and prayed for adjournment. Owing to the conduct of the learned counsel for the petitioner, the request was not entrained and the case was kept for arguments even by passing over on fourth occasion. When the case was called on fifth occasion, none appeared on behalf of the petitioner.

[2]. It appears that the petitioner is not interested in addressing arguments.

[3]. Perusal of the record would show that the application under Order 7 Rule 11 CPC filed by defendant No.3 was

accepted by the trial Court on the premise that on the basis of agreement to sell dated 24.11.1977, judgment and decree dated 27.04.1981 was passed by the trial Court in favour of Kulwant Singh son of Assa Singh i.e. husband and father of defendants No.1 and 2 respectively. On the basis of aforesaid judgment and decree, resultant sale deed was executed on 05.04.1983 with the help of the Court process and the same was registered. Present plaintiff(s) was *ex parte* in the said suit.

[4]. Application under Order 9 Rule 13 CPC for setting aside the *ex parte* judgment and decree filed by the present plaintiff was dismissed. An appeal preferred by the present plaintiff(s) was also dismissed by the Lower Appellate Court. Even revision petition preferred against the judgment and decree of the Lower Appellate Court was dismissed vide order dated 25.02.2014.

[5]. It is apparent that after the judgment and decree dated 27.04.1981, the sale deed was executed with the process of the Court on 05.04.1983. Application under Order 9 Rule 13 CPC filed by the plaintiff(s) challenging the judgment and decree and sale deed was dismissed upto the High Court. These facts are admitted on record.

[6]. In view of aforesaid admitted facts, the trial Court proceeded to consider the application under Order 7 Rule 11

CPC on the issue of limitation and rejected the plaint.

[7]. In my considered opinion, such a consideration is not suffered with any error of jurisdiction. Accordingly, this revision petition is also dismissed on merits.

15.10.2019

(RAJ MOHAN SINGH)

Prince

JUDGE

Whether reasoned/speaking

Whether reportable

Yes/No

Yes/No