

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

**RSA No.1219 of 2017 (O&M)
Date of Decision.20.02.2019**

Dayal Singh	Vs	...Appellant
Karan Garg and another		...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Satbir Gill, Advocate
for the appellant.

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AMIT RAWAL J. (ORAL)

C.M. No.2910-C of 2017

For the reasons stated in the application, delay of 180 days in re-filing of the appeal is condoned.

Application is allowed.

RSA No.1219 of 2017

The short point involved in the present appeal is whether in the suit for setting aside the judgment and decree dated 22.02.2014, the defendant, appellant herein, who was proceeded ex parte can challenge the decree in separate suit, the answer is no, as the remedy was to file the appeal or application under Order 9 Rule 13 CPC. This is what has been held by the Courts below while accepting the application under Order 7 Rule 11 CPC.

No ground for interference is made out, much less, no substantial question of law arises for determination. Resultantly, the second appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

February 20, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No