

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

CR-7979-2019

Date of decision:-11.12.2019

Balwinder Singh

...Petitioner

Versus

Bachan Kaur

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.Deshpreet Singh, Advocate for  
Mr.Raman Mohinder Sharma, Advocate  
for the petitioner.

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**H.S. MADAAN, J.(ORAL)**

This revision petition is directed against the order dated 1.10.2014 passed by Additional District Judge, Fast Track Court, Patiala vide which the order passed by Civil Judge (Jr.Divn.), Patiala dismissing the application for setting aside ex-parte judgment and decree had been affirmed.

Briefly stated, facts of the case are that plaintiff Bachan Kaur had brought a suit for grant of permanent injunction against defendant Balwinder Singh, notice of which was given to the defendant, who was duly served by way of munadi and affixation but he did not put in appearance and was proceeded against ex-parte vide order dated 2.3.2009. After recording the evidence, suit was decreed ex-parte vide judgment and decree dated 25.11.2011. Subsequently, the defendant approached the trial Court seeking setting aside of ex-parte judgment and decree. That

application was filed on 6.10.2012 for the reason that he was never served and he came to know about the ex-parte judgment and decree a week before filing of the application, when he received summons from the Court in execution application under Order 21 Rule 32 CPC. That application for setting aside of of ex-parte judgment and decree was opposed vehemently. Issues on merits were framed and the parties were afforded adequate opportunities to lead evidence.

After hearing arguments, the trial Court dismissed the application vide order dated 7.5.2014. The defendants preferred an appeal against that order in the Court of learned District Judge, Patiala, which was assigned to Additional District Judge, Fast Track Court, Patiala, who vide judgment dated 1.10.2014 dismissed the appeal and affirmed the order passed by the trial Court.

Feeling aggrieved, the defendant has approached this Court by way of filing revision petition.

I have heard learned counsel for the petitioner besides going through the record.

At the very outset, it may be stated that the revision petition has been filed very belatedly inasmuch as the order passed by Additional District Judge, Fast Track Court, Patiala is dated 1.10.2014, whereas the revision petition has been filed on 9.12.2019 i.e. after a period of more than 5 years. No explanation for such delay has been given. Therefore, the revision petition is time barred and for the said reason deserves to be dismissed. Even on merits, the revisionist does not have any case. Both the Courts below have come to the conclusion that despite due service,

the defendant had not put in appearance and no ground was there to set aside the ex-parte judgment and decree.

I do not see any reason to differ with the Courts below on such aspects. The impugned order is detailed and well reasoned and does not suffer from any illegality or infirmity. Therefore, no interference by this Court while exercising revisional jurisdiction is called for.

Finding no merit in the revision petition, the same stands dismissed.

11.12.2019  
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**(H.S.MADAAN)**  
**JUDGE**

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**