

(110)

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CR-4495-2016 (O&M)

Date of Decision: 05.02.2020

Dalbir Singh Sandhu

.... Petitioner

Versus

Daljit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Avnish Mittal, Advocate
for the petitioner.

Mr. Yogesh Goel, Advocate
for the respondent.

...

ANIL KSHETARPAL, J. (ORAL)

The present Revision Petition has been filed against order dated 11.12.2014 passed by the Learned trial Court, dismissing the application for restoration of application under Order 9 Rule 13 CPC filed for setting aside ex parte decree dated 30.04.2008.

Learned counsel for the respondent has drawn attention of the Court to a copy of judgment dated 06.01.2017 passed in Civil Suit No. 769 dated 07.06.2011 titled "Dalbir Singh Sandhu versus Daljit Singh and others". This judgment has been passed in a separate suit filed by the petitioner. He further submits that pursuant to the judgment and decree dated 30.04.2008, in execution of a decree for specific performance for agreement to sell, the sale deed dated 24.02.2009 has been registered by the Court in favour of defendant-respondent. Copy of the aforesaid judgment is

taken on record as marked 'A'.

Learned counsel appearing for the petitioner does not dispute that the aforesaid judgment dated 06.01.2017 has been passed by the trial Court. However, he submits that appeal against the same is pending.

Be that as it may. Once the validity of ex parte judgment and decree dated 30.04.2008 has been upheld in a separate suit filed by the petitioner, this Court does not find any good ground to continue with these proceedings.

Dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

(ANIL KSHETARPAL)

Judge

05.02.2020

Pardeep

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No