

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

1. CR-2175-2020 (O&M)
Date of decision : 27.08.2020

Prem Kumar ...Petitioner

Versus

Jagan Nath and others ...Respondents

2. CR-2176-2020 (O&M)
Date of decision : 27.08.2020

Mohd. Rijwan and another ...Petitioners

Versus

Jagan Nath and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amarpreet Singh, Advocate for the petitioners.
(In both the cases)

ANIL KSHETARPAL, J. (ORAL)

By this order, two Civil Revision petitions bearing CR No. 2175 and 2176 of 2020, shall stand disposed of. Both the revision petitions are arising out of a common suit. CR No.2175 of 2020 has been filed by defendant No.3 whereas CR No.2176 of 2020 has been filed by defendant No.5 and 6.

In a suit filed, on service of notice, the petitioners -defendants engaged Sh. Amrit Lal Wadhwa, advocate to appear and defend them in the suit. He appeared in the suit from 24.12.2004 to 09.10.2009. However, thereafter, he stopped appearing in the suit. The suit was decreed on 28.04.2010 in presence of the learned counsel representing defendant No.1

and 2. After a period of 1 year and 5 months, two separate applications were filed by defendant No.3 and defendant No.5-6 for setting aside ex parte judgment and decree.

Learned trial Court, after granting opportunity to both the parties to lead the evidence, dismissed both the applications vide separate orders dated 21.12.2016. Two separate appeals against the aforesaid order were also dismissed.

Both the Courts, on appreciation of evidence, have found that the petitioners failed to furnish satisfactory explanation for their non-appearance. It is not in dispute that the petitioners have already sold the property in favour defendant No.7 and 8. Learned counsel for the petitioners has also failed to draw attention of the Court to perversity or material irregularity in the impugned orders.

In CR No.2175 of 2020, the petitioner himself did not appear in the evidence to prove the fact that he has sufficient cause for non-appearance.

Keeping in view the aforesaid facts, there is no ground to interfere with the concurrent orders passed by the learned Courts below.

Accordingly, both the Civil Revision petitions are dismissed.

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

27.08.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No