

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-1962-2020 (O&M)

Date of decision: 29.06.2020

Tirath Singh

..... Petitioner

Versus

Sukhdev Raj @ Dev Raj and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. MS Rana, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing.

Through this revision under Article 227 of Constitution of India, petitioner has sought direction to the Ist Appellate Court, to decide stay application of the petitioner in a time bound manner.

Briefly, a suit for recovery of ₹7,50,000/- was filed by the respondents, against the petitioner and his brother-Nirmal Singh. The petitioner chose not to contest the suit and thus, got himself proceeded against *ex parte*, whereas, his brother-Nirmal Singh, hotly contested the same and even appeared before the trial Court as DW-1, as his own witness.

After conclusion of evidence to the satisfaction of both the sides, trial Court decreed the suit in *toto*, for ₹7,50,000/- along with interest @ 7.5% per annum from 21.05.2002, till the date of judgment and future interest @ 6% per annum till realization, vide judgment and decree dated

01.03.2014 (Annexure P-2).

Being aggrieved, after four years, petitioner approached the trial Court by way of application under Order 9 Rule 13 read with Section 151 CPC, for setting aside the aforesaid *ex parte* judgment and decree dated 01.03.2014, which resulted into dismissal vide order dated 19.09.2019 (Annexure P-3). Things did not rest here. Petitioner further preferred an appeal against the said order which is now pending adjudication before the Ist Appellate Court.

Heard.

Having considered the submissions of learned counsel for the petitioner, this Court finds no merit in the instant revision, inasmuch as, subordinate Courts cannot be directed to behave and act to satisfy whims and fantasies of a litigant. In the instant case, judgment and decree Annexure P-2, initially was passed in favour of respondents on 01.03.2014. Thereafter, petitioner remained in great slumber and approached the trial Court after around three years. Submission of learned counsel that the petitioner being an Non-resident Indian (NRI) could not pursue and contest the suit, does not appeal to reason. Even otherwise, there is no urgency in the matter.

Dismissed.

June 29, 2020

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No