

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

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C. R. No. 2409 of 2020

Date of Decision:- 27.10.2020

Randhir Singh and others

....Petitioners

vs.

Ram Pal (deceased) through his LRs and another

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Amit Chaudhary, Advocate,
for the petitioners.

Sudhir Mittal, J. (Oral)

The petitioners are the defendants. A civil suit for declaration that the plaintiffs-respondents were the owners of certain land with consequential relief of injunction was filed against them on 22.12.2004. They were served and consequently they put in appearance through counsel and filed written statement. Thereafter, neither the counsel nor the party put in appearance and, thus, they were proceeded against *ex parte* on 17.01.2009. Ultimately, *ex parte* judgment and decree dated 11.05.2009 was passed. Aggrieved against the same, application under Order 9 Rule 13 CPC was filed for setting aside the *ex parte* judgment and decree. However, the same was dismissed on the grounds of limitation as well as on merits. Appeal has also been dismissed.

Learned counsel for the petitioners submits that the petitioners are the owners in possession of the land in dispute. They were not to blame for passing of the *ex parte* judgment and decree as their counsel failed to inform them of the date of hearing. Thus, the orders of the Courts below

deserve to be set aside.

Both the Courts below have found as a fact that the plea of the petitioners that they were not informed by their counsel remains unsubstantiated. No error in the said finding has been pointed out and, thus, I find no ground to interfere in the orders of the Courts below.

The petition is accordingly dismissed.

October 27, 2020
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned **Yes**

Whether Reportable **No**