

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

**CR-5677-2019(O&M)
Date of decision: 19.02.2020**

Smt. Sumitra Bai

.....Petitioner

Versus

Sudhir Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Satbir Singh Gill, Advocate for the petitioner

Mr. N.K.Ganga, Advocate for the respondent

ANIL KSHETARPAL, J. (ORAL)

Defendant-petitioner has filed the present revision petition against order dated 13.8.2019 dismissing the application filed by her to set aside the ex parte proceedings. Plaintiff-respondent has filed a suit for possession by way of specific performance of the agreement to sell. Pursuant to the notice, defendant-petitioner appeared before the Court, filed written statement after engaging a counsel. Thereafter, she as well her counsel absented from the proceedings w.e.f 18.8.2018. She remained silent for almost one year. Now once the plaintiff has already concluded his evidence and case is at the stage of arguments an application has been filed to set aside ex parte proceedings. The Court has held that the explanation for non-appearance is neither believable nor sufficient to justify the absence. Defendant-petitioner has pleaded that she could not appear before the Court on 18.8.2018 due to illness. However, no medical certificate was placed on file. There is no

explanation as to why the counsel representing defendant did not appear before the Court either on 18.8.2018 or thereafter for almost a period of one year.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

19.02.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No