

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

**CR No.4908 of 2018 (O&M)**  
Date of decision: 27<sup>th</sup> February, 2020

Gurwinder Singh

... Petitioner

Versus

Paramjit Kaur & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Hardip Singh, Advocate for the petitioner.  
Mr. Vikas Singh, Advocate for respondents No.1 to 5.  
Service of respondents No. 6 to 8 – dispensed with.

**FATEH DEEP SINGH, J.**

This is a revision by petitioner Gurwinder Singh who happens to be defendant in a suit for declaration etc. in which the Court of learned Civil Judge (Junior Division), Naraingarh, District Ambala through ex-parte decree dated 21.02.2015 passed against the present petitioner and others had decreed the same. It is thereafter, the present petitioner Gurwinder Singh moved an application under Order IX rule 13 CPC for setting aside the ex-parte judgment and decree passed in the civil suit No.CS-323-CS titled 'Paramjit Kaur & others vs. Parvinder Singh & others'. Along with this, an application was moved by Gurwinder Singh for staying operation of the ex-parte judgment and decree dated

21.02.2015. The Court of learned Civil Judge (Junior Division), Naraingarh vide orders dated 31.05.2017 dismissed the application. The present petitioner then filed Civil Miscellaneous Appeal before the Court of learned Additional District Judge, Ambala, who vide impugned order dated 12.07.2018 dismissed the appeal as well.

Upon hearing Mr. Hardip Singh, Advocate for the petitioner; Mr. Vikas Singh, Advocate for respondents No.1 to 5 and perusing the records of the case.

As has been observed by the Court of learned Civil Judge (Junior Division), Naraingarh, the impugned ex-parte judgment and decree dated 21.02.2015 has been given effect to, whereby upon its due execution mutation No.1312 has been duly sanctioned and entered in the name of the then plaintiffs and regarding which the entries in the khasra girdawaris for the disputed property too have been changed. The Court further held that the plaintiffs have come to be in actual physical possession of the suit property. Learned counsel for the petitioner fairly concedes that the application under Order IX Rule 13 CPC was still pending before the Court below and as long as an ex-parte judgment and decree is not set aside and still holds good, what right the revisionist has to seek stay on the operation of the order which has been passed ex-parte and as on date is legally valid, operative and holds good for all intents

and purpose. Though reliance is sought to be placed on ‘**Davinder Pal Singh & another vs. Narinder Pal Singh & others**’ 2016(3) RCR (Civil) 194 and ‘**Jagjit Singh vs. Harinder Singh & others**’ 2002(3) RCR (Civil) 783 however on account of factual disparity the cited ratios do not come to the aid of the petitioner.

Learned counsel could not point out any illegality or perversity in the impugned findings which can be a cause for showing indulgence. This Court does not feel inclined to interfere and upholding the impugned findings the present revision petition stands dismissed.

**(FATEH DEEP SINGH)**  
**JUDGE**

**February 27, 2020**

*rps*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No