

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

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**CR-1611-2021(O&M)
Date of Order:18.08.2021**

BIMLA KUMARI

..Petitioner

Versus

ABHINAV SHARMA ALIAS HONEY AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajbir Singh, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Defendant No.4 (the petitioner herein) assails the correctness of the order passed by the trial Court while dismissing an application under Order 9 Rule 7 CPC for setting aside the ex parte proceedings in Civil Suit No.179 of 2015, titled as “Abhinav Sharma Vs. Mahinder Pal etc.”. At the outset, it is important to note that the petitioner herein is the plaintiff's mother. She is defendant No.4 in the suit. On notice in the suit, she appeared on 23.10.2015 but thereafter, stopped appearing. Hence, she was proceeded against ex parte on 06.11.2015. Thereafter, Mr. Navneet Singh, Advocate, appeared for the petitioner on 02.11.2017 however, he also, subsequently stopped appearing.

When the case was at the stage of rebuttal and arguments (the final stage), the petitioner filed an application for setting aside the ex parte proceedings.

The Court, after appreciating the material on record, has found that the petitioner who is none other than the plaintiff's mother had the knowledge of the pendency of the suit.

The Court has further found that the application has been filed with mala fide reasons as the plaintiff through the petitioner wants *de novo* proceedings.

Keeping in view the aforesaid facts, no ground to exercise jurisdiction under Article 227 of the Constitution of India.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

August 18, 2021
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No