

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2990 of 2021

Date of Decision: 29.11.2021

Sukhwinder Kaur

... Petitioner(s)

Versus

Ranjit Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sarju Puri, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The plaintiff assails the correctness of the order passed by the Civil Judge (Junior Division), Shaheed Bhagat Singh Nagar, on 04.10.2021 while setting aside the *ex parte* decree passed against the defendant -Ranjit Singh.

2. The plaintiff has filed a suit for possession by way of specific performance of the agreement to sell. The Court directed issuance of notice for 26.08.2013. The summons were returned with the report that Ranjit Singh is lodged in the Jail at Kapurthala. On 26.08.2013, the Presiding Judge was on leave and the case was put up before the Duty Magistrate who ordered the filing of the correct address. It is not in dispute that the defendant has never been served with the notice in the suit. The plaintiff got the notice issued for service upon the respondent, who was allegedly lodged in the prison at the relevant time. The Court, merely on the basis of the

proceed *ex parte* against the defendant. On an application filed by the defendant, the aforesaid *ex parte* decree has been set aside. The trial Court, in the facts of the case, has judiciously exercised its discretion which is not proved to be suffering from any perversity.

2. Hence, no ground to interfere is made out. Consequently, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

November 29, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No