

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 188 of 2019

Date of Decision: 20.05.2022

Jasbir Singh

... Petitioner(s)

Versus

Dr. Satnam Singh (Now Deceased) through his LR's and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Shivam Malhotra, Advocate
for the petitioner(s).

Mr. Sushant Kareer, Advocate
for the respondent No.1 and 2.

Mr. Chetan Mittal, Senior Advocate
with Mr. Kunal Mulwani, Mr. Aayush Gupta and
Ms. Shifali Goyal, Advocate, for the
respondent No.5 and 6.

Anil Kshetarpal, J.

1. The defendant No.1 assails the correctness of the order passed by the trial Court refusing to set aside the *ex parte* proceedings while permitting him to join at that stage.

2. The trial Court has found that the petitioner did not appear despite publication of notice in the newspaper. It was also found that the petitioner came to know of the pendency of the present suit from the written statement filed by the plaintiff (Ex.P26) in another suit on 02.09.2014.

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

The learned counsel representing the petitioner contends that

the petitioner should be permitted to file the written statement and the suit should be heard *de novo*. He submits that unless he is permitted to file the written statement, his defence will not come before the Court. On the other hand, the learned senior counsel representing the respondent No.5 and 6 has submitted that when the suit is at the fag end, the petitioner has filed an application for setting aside the *ex parte* proceedings, despite having knowledge of the pendency of the suit. He relies upon the judgment passed by the Supreme Court in *Sunil Poddar and Others v. Union Bank of India (2008)2 SCC 326*.

5. The learned counsel representing the petitioner does not dispute that he had knowledge of the pendency of the suit on 02.09.2014. The petitioner was also served through publication. Furthermore, the suit has already been defended by his brother Sharanbir Singh, who has filed the written statement. The suit is pending for the last nine years.

6. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

May 20, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No