

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

CR No.2413 of 2013

Date of decision: 4th May, 2022

Ranjit Kaur

... Petitioner

Versus

Harbans Lal

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. IPS Doabia, Advocate for the petitioner.

Mr. Harish Bhardwaj, Advocate for the respondent.

FATEH DEEP SINGH, J.

In this revision petition by virtue of Article 227 of the Constitution of India petitioner is trying to lay challenge to an order dated 07.02.2013 (Annexure P5) of the Court of learned Civil Judge (Junior Division), Rajpura.

Heard Mr. IPS Doabia, Advocate for the petitioner; Mr. Harish Bhardwaj, Advocate for the respondent and perused the records of the case.

An agreement to sell was executed between petitioner Ranjit Kaur and respondent Harbans Lal on 02.02.2006 in respect of the property detailed in the suit (Annexure P2). It is as a consequence of a dispute, the buyer instituted the suit in question by way of possession through specific performance of the agreement to sell dated 02.02.2006. The defendant was proceeded against ex-parte vide orders dated

08.03.2010 by the trial Court. It is during the course of proceedings, the petitioner was allowed to join the proceedings on 16.04.2009. Learned counsel for the petitioner did not appear to address his arguments and was proceeded ex-parte. When the ex-parte evidence of the plaintiff was being recorded, defendant again put in appearance on 16.04.2011 through another counsel. It was through impugned order, the same was declined on the grounds that the defendant is trying to misuse the process of the Court and is habitual to disobey the orders of the Court in spite of the fact that she was allowed to join the proceedings to enable her to cross-examine the witnesses of the plaintiff and on 18.04.2009 her counsel had appeared and made submissions by way of arguments and subsequently did not put in appearance and was proceeded ex-parte. It was on 16.04.2011 defendant petitioner again appeared through another counsel attributing acts to her previous counsel and thus, in view of the repeated truants the Court dismissed the application.

Through this invocation against that very order, lengthy arguments addressed by Mr.IPS Doabia, Advocate were heard. The very conduct of the petitioner (then defendant) is well elaborated in the impugned order (Annexure P5). How or in what manner the impugned orders are bad in law, learned counsel for the petitioner could not elaborate on it, nor could he highlight any illegality or perversity in the same. What one could decipher that the petitioner Ranjit Kaur is repeatedly trying to mislead the Court on frivolous pleas seeking undue

advantage of her old age and whenever she has been given the latitude to put in appearance and contest the litigation, she has again kept away from the Court, are matters which cannot be lost sight of. The learned trial Court has taken note of this insolence of the petitioner and has rightly passed order dismissing the application being moved at a belated stage when evidence of plaintiff had been recorded.

This Court is perturbed over this misuse of the process of the Court whereby the petitioner has intentionally continued her misdemeanor unduly wasting time of the Court and in the light of the same, the instant petition being without any merit stands dismissed with special costs of ₹ 1.00 lakh which shall go to the Poor Patients Welfare Fund, PGIMER, Chandigarh; if not paid shall be recovered as arrears of land revenue.

(FATEH DEEP SINGH)
JUDGE

May 4, 2022
rps

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