

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

CR-4220-2016 (O&M)

Date of decision: 21.03.2022

Malkit Singh

....Petitioner

Versus

M/s Amandeep and Company and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tekwinder Singh Rai, Advocate for the petitioner

Mr. Rahul Sharma, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

Through this revision petition filed under Article 227 of the Constitution of India, the petitioner (judgment debtor) prays for setting aside of the order dated 12.05.2016 as well as order dated 21.03.2016. An application under Order 9 Rule 13 of Code of Civil Procedure, 1908, filed by the petitioner has been dismissed by both the courts below. It is undisputed that the petitioner entered appearance on 09.03.2007 through his counsel in a suit for grant of decree of recovery. He was proceeded ex parte on 06.10.2007. The suit was decreed on 08.06.2011. The petitioner claims that he came to know of the ex parte judgment and decree on 09.04.2015 and the application under Order 9 Rule 13 of Code of Civil Procedure, 1908, was filed on 02.07.2015. No application for condoning the delay has been filed. Furthermore, there is no explanation as to what steps were taken by the petitioner after engaging the counsel on 09.03.2017. There is no explanation for a period of nearly 8 ½ years. In these circumstances, no ground to interfere with the concurrent orders

passed by the courts below is made out.

Hence, dismissed.

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

21.03.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE