

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

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**CR-4276-2018(O&M)
Date of Order: 29.03.2022**

**PUNJAB WAKF BOARD, AMBALA CANTT. NOW
AT CHANDIGARH**

..Petitioner

Versus

DHARMINDER SINGH & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mohd. Salim, Advocate
for the petitioner.

Mr. Ravish Bansal, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

The First Appellate Court in the facts and circumstances of the present case has chosen to condone the delay in filing the appeal, subject to the payment of cost of Rs.2,000/-

The learned counsel representing the petitioner submits that after the delivery of possession, the petitioner has already handed over the possession to a third party. He further submits that the delay has not been properly explained.

As regards the alleged delivery of possession, the same will not affect the rights of the appellants before the First Appellate Court.

The petitioner is entitled to be heard on merits. A suit for possession by way of ejectment of the defendant from immovable property has been decreed by the Civil Judge, Junior Division, Faridkot.

It has been asserted by the respondents that they engaged Sh. Ashok Kumar Monga, Advocate, for defending them in the suit.

However, he did not appear, which resulted in the passing of an ex parte

decree against the respondents. The respondents claim that they came to know about the decision in September, 2017, and on obtaining certified copy of the judgment, filed the appeal. Their application is supported by an affidavit.

There is also no evidence to prove that the respondents were not in knowledge of the judgment passed by the trial Court.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Dismissed.

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

March 29th, 2022

(ANIL KSHETARPAL)
JUDGE

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