

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

108

CR-8337 of 2016 (O&M)
Date of decision: 06.09.2022

Gurdial Singh

..Petitioner

Versus

**Kiran Bawa (since deceased) through her LRs
and another**

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vinod Khunger, Advocate, for the petitioner.

ANIL KSHETARPAL, J(Oral)

While questioning the correctness of the findings of fact arrived at by the Courts below, defendant no.2 has filed the present revision petition.

An application under Order IX Rule 13 CPC to set aside the ex-parte judgment and decree dated 27.11.1993 has been dismissed by both the Courts below. It has been noticed that the petitioner had the knowledge when he refused to accept the notice on 11.02.1991 and he again had the knowledge about passing of the judgment and decree in question in the year 1994, in view of his admission in the cross-examination. The application under Order IX Rule 13 CPC was filed in the year 2004. Moreover, the real aunt of the petitioner has already contested the suit as she was defendant no.1.

Hence, no ground to interfere is made out.

Dismissed.

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

September 06, 2022

(ANIL KSHETARPAL)
JUDGE

nt

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No