

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

CR-2155-2019 (O&M)

Date of decision: 18.08.2022

Bal Krishan (since deceased) through his LRs

....Petitioners

Versus

Khanda Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.P.Soi and
Mr. Sahil Soi, Advocate for the petitioners

Mr. R.S.Chauhan, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

There is a decree for possession by way of specific performance of the agreement to sell in favour of the respondent dated 06.12.2012. The predecessor of the petitioner was proceeded against ex parte after he had filed his written statement, cross examined the witnesses but thereafter, stopped appearing in the court. He filed an application for setting aside the ex parte decree while asserting that he is an illiterate person and does not know the legal processes of the court. In the cross-examination, he admitted that he is a police official. Thus, it is evident that the predecessor of the respondent filed an application by making false averments not only in the application but also in the affidavit. Both the courts have declined to set aside the ex parte decree. While exercising revisional jurisdiction, the Court can interfere only if the order under challenge suffers from perversity or material irregularity.

Learned counsel representing the petitioner, although, made sincere efforts, however, failed to persuade the Court.

Hence, dismissed.

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

18.08.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE