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

**CR-2361-2019 (O&M)
Date of decision-22.11.2022**

Atul Lalwani

...Petitioner

Vs.

Dilip Sukhadia and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioner.

Mr. Adarsh Jain, Advocate with
Ms. Kamaldeep Kaur, Advocate for respondent No.1.

Mr. R. Kartikeya, Advocate for respondent No.3.

MANOJ BAJAJ, J. (Oral)

Petitioner has preferred this revision petition to challenge the order dated 13.02.2019 passed by Civil Judge (Junior Division), Gurugram, whereby his another attempt to join the suit proceedings in Civil Suit No.235/2009, titled 'Dilip Sukhadia Vs. Atul Lalwani and others', was dismissed.

The sequence of events relating to revision petition had been noticed by this Court in the order dated 8.4.2019 while issuing notice of motion to the respondents, which read as under:-

“Learned counsel for the petitioner contends that vide

order dated 06.11.2013, Civil Judge (Junior Division), Gurgaon dismissed the application for setting aside ex parte order dated 06.09.2010, however, petitioner was granted liberty to join the proceedings without disclosing his defence. The said order was unsuccessfully challenged in Civil Revision No.7419 of 2013 decided by the High Court on 14.12.2017. Rigor of order dated 06.11.2013 remained intact despite dismissing the revision petition with costs of Rs.10,000/- on the basis of conduct of the petitioner in pursuing the litigation. When the petitioner was not allowed to join the proceedings, he filed an application and on the basis of which, the impugned order has been passed on the premise that he cannot be allowed to join the proceedings.

Notice of motion for 20.08.2019.

Till the next date of hearing, trial Court shall adjourn the proceedings beyond the date fixed by this Court.”

It is clear from the above, that the defendant-petitioner was proceeded against *ex-parte* on 06.09.2010 and his application for setting aside the *ex-parte* proceedings was also dismissed by the trial Court on 06.11.2013. Feeling aggrieved against the said decision, the defendant-petitioner has preferred civil revision bearing No.7419 of 2013 and the same was dismissed with a cost of Rs.10,000/- by this Court.

Instead of challenging the said decision before the Hon'ble Supreme Court, the petitioner-defendant again moved an application before the trial Court seeking permission to join the suit proceedings and the said application has also been dismissed by the Civil Judge (Junior Division),

Gurugram, with the observation that similar issue has been dealt with previously. A perusal of the impugned order reveals that the Civil Judge (Junior Division), Gurugram has carefully examined the background of this case while dismissing the application. Thus, no ground for exercising the revisional jurisdiction is made out.

Dismissed.

Since main revision petition has been dismissed, pending miscellaneous application(s), if any, be treated as disposed of.

(MANOJ BAJAJ)
JUDGE

22.11.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No