

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2822 of 2019 (O&M)

Date of Decision: 02.12.2022

Mrs. Somoti

... Petitioner(s)

Versus

Rajesh Kumar

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Iqbal Singh Saggu, Advocate
for the petitioner(s).

Mr. Adarsh Jain, Advocate
for the respondent.

Anil Kshetarpal, J.

1. This revision petition has been filed to assail the correctness of the orders passed on 20.02.2019 by the Civil Judge (Senior Division), Faridabad, which has been affirmed in appeal by the Additional District Judge, Faridabad, on 01.04.2019.

2. The petitioner's application under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC") to set aside the *ex parte* decree has been dismissed by both the Courts below. It has been found that the petitioner has been repeatedly changing her counsel. Initially, she refused to accept the notice from the Court. However, on 10.10.2012, she entered appearance in person. On 03.01.2013, she absented herself. Hence, she was proceeded against *ex parte*. Sh.N.K.Singla, Advocate, appeared on her behalf on 08.05.2013. On 12.07.2013, another counsel,

namely Sh.Pardeep Parmar, Advocate, entered appearance on her behalf. An

application to set aside the *ex parte* proceedings was allowed on 05.05.2016, subject to payment of cost of ₹500/-. She was given an opportunity to file the written statement. On 19.05.2018, she paid the cost, but she did not file the written statement. The case was adjourned to 05.07.2016. She again absented. Hence, she was proceeded against *ex parte* and ultimately, the judgment and decree came to be passed on 11.11.2016.

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

4. The First Appellate Court has found that the petitioner has tried to evade most of the questions which were asked from her in the cross-examination. On that basis, the Appellate Court has formed the conclusion that the petitioner may be illiterate, but she is aware of the proceedings and has failed to furnish any plausible explanation/sufficient reasons to set aside the *ex parte* proceedings.

5. The learned counsel representing the petitioner, though, made sincere attempts, however, failed to draw the attention of the Court to any material error or perversity in the impugned orders.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders. Hence, the present revision petition is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

December 02, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No