

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

CR No.6087 of 2019

Date of decision: 22nd April, 2022

Gaurav Miglani

... Petitioner

Versus

Avinash Kaur & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ravinder Malik (Ravi), Advocate for the petitioner.

FATEH DEEP SINGH, J.

The petitioner in spite of having mis-conducted himself not once but twice before the trial Court has once again have the audacity to come up before this Court in this civil revision by virtue of invocation of Article 227 of the Constitution of India seeking setting aside of order dated 26.08.2019 (Annexure P7) and dated 01.02.2018 (Annexure P3) passed by the Court of learned Civil Judge (Senior Division), Kurukshetra whereby through these orders the petitioner was not only proceeded against ex-parte but his defence was ordered to be struck off.

After hearing at length learned counsel for the petitioner and on perusal of the records. It is certainly there on the records that consequent upon issuance of notice to the defendant (now petitioner) on 20.04.2015 and in spite of service defendant No.1 Gaurav Miglani (present petitioner) failed to put in appearance and the Court of learned

Civil Judge (Senior Division) vide orders dated 27.04.2015 proceeded exparte against him. Thereafter an application for setting aside exparte order was moved on 28.05.2015 by the petitioner and on the statement of the counsel opposite, vide order dated 20.07.2015 the Court had set aside the exparte order and the defendant No.1 (now petitioner) was allowed to join the proceedings and the matter was slated for filing written statement. In spite of written statement having been filed by respondent No.2 on 20.10.2015 and 07.12.2015, and subsequent thereto upon application for amendment of the plaint moved by the plaintiff, nothing discernible took place on a number of occasions and which ultimately after having recourse through Mediation and Conciliation Centre the application stood allowed after a number of adjournments on 09.09.2017 and thereafter the matter was adjourned for filing of written statement by defendant No.1 (present petitioner) for which the matter was adjourned from 25.10.2017 to 15.12.2017 and then 30.01.2018 but no fruitful efforts were made by this revisionist to file written reply, is itself reflective of the total insolence and the intentional ways and means being adopted by defendant No.1 (present petitioner) in unduly prolonging the progress of the case. On 01.02.2018 defendant No.1 (present petitioner) did not appear in spite of repeated numerous calls and which ultimately lead to the passing of the order dated 01.02.2018 by the learned Civil Judge (Senior Division), Kurukshetra not only proceedings exparte against the petitioner defendant No.1 and defendant

No.2 but also the defense of the petitioner was struck off for not filing written statement. So from this complacency shown that there is a concerted effort by the petitioner in ensuring that the matter is not proceeded which is to his likening and which is well reflected from the records, being a suit for declaration for the title of a property claimed by the plaintiff and who was threatened by the acts of these defendants No.1 and 2 in alienating the same at his back, the plaintiff had every reason to ensure that the relief eludes them by all means. The trial Court had given ample opportunities and latitude to the petitioner who by his own intentional and willful conduct has ensured that there is no fruitful effort in the case and therefore is nothing short of hampering expeditious disposal of the matter.

This Court does not find any illegality or perversity in these two orders under challenge before this Court and the present revision being without any merit stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

April 22, 2022
rps

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