

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

CR No.3427 of 2021

Date of Decision: 10.03.2022

Harvinder Singh

.....Revisionist-petitioner.

Versus

Harpreet Singh and others

.....Respondents.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Manvinder Singh Dalal, Advocate
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

By way of this revision-petition, the petitioner (defendant No.3 before the trial Court) prays for setting aside the order dated 07.02.2019 (Annexure P-2) as passed qua proceeding *ex-parte* against him in the Civil Suit as well as the order dated 28.09.2021 (Annexure P-4) as handed down by the Civil Judge (Junior Division), Ludhiana whereby the application moved by him for setting aside the order Annexure P-2, has been dismissed.

I have heard learned counsel for the revisionist-petitioner in this petition and have perused the file carefully.

Learned counsel for the petitioner contends that the petitioner came to know about the *ex-parte* proceedings on 30.06.2021 only and immediately thereafter, he moved the said application with a prayer for setting aside the same but the trial Court has wrongly dismissed his

appliation vide impugned order Annexure P-4.

However, a perusal of the order Annexure P-2 reveals that on 07.02.2019, defendants No.1 to 3 were ordered to be proceeded against *ex-parte* as none had appeared in the trial Court on their behalf on that day. Further, it has categorically been mentioned in the impugned order Annexure P-4 that defendants No.1 to 3 were being represented by the same counsel and defendants No.1 and 2 had promptly moved an application for setting aside the *ex-parte* proceedings which had been allowed on 16.05.2019 whereas the petitioner moved the said application on 01.07.2021. In such circumstances, the explanation, as put-forth by the petitioner to the effect that he came to know about the *ex-parte* proceedings on 30.06.2021, does not seem to be a cogent and plausible one. Moreover, it has also been mentioned in the order Annexure P-4 that the petitioner had even failed to file the written statement in time and his defence was ordered to be struck-off on this score.

In view of the fore-going discussion, it is explicit that the impugned orders passed by the trial Court do not suffer from any illegality, irregularity, perversity or infirmity and therefore, the same do not call for any interference by this Court.

Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

March 10, 2022

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No