

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7751 of 2019 (O&M)

Date of Decision: 13.05.2022

Balwant Singh and Another

... Petitioner(s)

Versus

Barooram alias Warooram and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rajeev Gupta, Advocate
for the petitioner No.2

Mr. Manit Malhotra, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. The defendant No.2 and 3 assail the correctness of the orders passed by the trial Court which has been affirmed in appeal by the First Appellate Court while dismissing the application under Order XI Rule 13 CPC for setting aside the *ex parte* decree dated 24.12.2005.

2. As per the findings arrived at by both the Courts below, the defendant No.2 and 3 appeared in person before the trial Court on 11.06.1998 and 15.06.1998. They were represented by Mr.B.S.Bajwa, Advocate, who has filed a power of attorney on their behalf. Subsequently, the learned counsel did not appear and the suit was proceeded against *ex parte*. In 2002, the suit was dismissed in default. On an application filed by the plaintiffs, notice was again served upon the defendants, but they refused to accept the same. Thus, both the Courts below have found that the *ex*

3. The learned counsel representing the petitioners contends that the defendant No.2 and 3 were never served with the notice in the application for restoration of the suit. Both the Courts below, on examining the record, have concurrently found that notices sent to the petitioners were returned with the report of refusal. After the receipt of report of refusal, even the local proclamation was carried out.

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

(Anil Kshetarpal)
Judge

May 13, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No