

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7558 of 2019

Date of Decision: 08.04.2022

S.D.Falwaria

... Petitioner(s)

Versus

Bharat Sanchar Nigam Limited

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Charanjeet Kaur, Advocate
for the petitioner(s).

Ms. Anita Sharma, Advocate
for the respondent.

Anil Kshetarpal, J.

1. While assailing the orders passed by the trial Court as well as the Appellate Court, the defendant has filed the present revision petition.

2. The petitioner was proceeded against *ex parte* in the suit on 04.09.2014. Previously also, the petitioner was proceeded against *ex parte* in the year 2008. But the same was set aside in the year 2010. Thereafter, the petitioner filed a written statement and participated in the trial. After availing seven opportunities to lead evidence, the defendant's evidence was closed on 12.12.2013. His application for recall of the witnesses was dismissed on 22.03.2014. Thereafter, he stopped appearing, resulting in initiation of *ex parte* proceedings against him vide an order dated 04.09.2014. The suit was decreed on 15.09.2014. After a period of 2½ years, the petitioner woke up from his deep slumber and filed an application on 22.05.2017. The petitioner

asserted that he could not appear in the suit as he had suffered a paralytic

attack in the month of May, 2013.

3. Both the Courts below, on appreciation of evidence and material, came to a conclusion that the petitioner has failed to produce any medical record to prove that he was immobilized due to the paralytic attack after 04.09.2014. It has been noticed that the defendant's counsel pleaded no instructions and the Court, after publication of the notice, proceeded with the matter.

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

(Anil Kshetarpal)
Judge

April 08, 2022
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No