

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251

CR-2579-2017 (O&M)
Date of Decision : 12.09.2023

Ranjit Singh

.....Petitioner

Versus

Gurpreet Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : None.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the present petition under Article 227 of the Constitution of India for quashing of impugned order dated 20.01.2017 passed by learned Civil Judge (Junior Division), Ludhiana whereby the application filed by the petitioner/respondent for setting aside the exparte order dated 05.02.2015 against the petitioner has been dismissed.

2. On the last date of hearing, the following order was passed :-

“The present revision petition pertains to the year 2017. A stay is operating in favour of the petitioner since 13.11.2018. On 13.11.2018 the following order was passed :

“By this application, advancement of the date of hearing in the accompanying petition is sought by the applicant petitioner, on the ground that despite notice of motion in the petition having been issued on 07.04.2017, with respondent no.1 having been duly served and service upon the remaining respondents ordered to be dispensed with vide an order dated 19.01.2018, none has put in appearance, thereafter.

It is seen that the accompanying petition now stands adjourned to 01.02.2019, its turn not having come up on the last date of hearing, i.e. 03.08.2018.

Notice having been issued one and half years ago now, it is considered appropriate that instead of advancing the date of hearing, with none appearing for the respondents so far, it would be appropriate to direct the trial Court to adjourn the matter to a date beyond that given by this Court in the accompanying petition, i.e. 01.02.2019.

Ordered accordingly.

However, it is made clear that no request for an adjournment shall be entertained, if it is sought by counsel for the petitioner on that date, i.e. 01.02.2019, and any such request made would entail automatic vacation of the order passed today.”

Thereafter on 01.02.2019 the case was adjourned to 08.07.2019. Subsequently, the case was adjourned by order. On 31.05.2022 none had appeared on behalf of the parties and the case was adjourned to 25.08.2022. On 25.08.2022 the case was adjourned by order to 23.01.2023. On 23.01.2023 the case was adjourned on the request made on behalf of counsel for the petitioner on the ground that he is unwell. Today again a request for an adjournment has been made on behalf of arguing counsel for the petitioner on the ground that counsel had to leave the Court due to an emergency in his family on being asked about the nature of emergency it has been stated that the counsel has gone for a function. Though no ground is made out to further adjourn the matter, however, in the interest of justice, adjourned to 12.09.2023 subject to payment of Rs.5,000/- as costs to be deposited with the High Court Lawyers Welfare Fund.

Interim order to continue.”

3. As per the office report, learned counsel for the petitioner has not deposited the costs of Rs.5,000/- imposed vide order dated 17.05.2023.

4. No one is present on behalf of the petitioner, consequently, the instant revision petition is dismissed for non-prosecution.

12.09.2023

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**(NAMIT KUMAR)
JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No