

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

CR-3242-2015(O&M)

Date of decision:-9.1.2023

Sukhmander Singh and others

...Petitioners

Versus

Nachhattar Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: None for the petitioners.

Mr.Dhirinder Chopra, Advocate
for respondents No.1 to 3.

H.S. MADAAN, J.

1. In nutshell, facts of the case are that plaintiffs Nachhattar Singh and others had brought a suit against defendants Baldev Singh and others seeking possession of 2 kanals 0 marla of land claiming themselves to be owners of the same. In addition to that relief, the plaintiffs had sought a decree for permanent injunction restraining the defendants from raising any construction or changing the nature of the property forcibly and illegally by defendants. That suit was filed on 23.5.2002. Notice of the suit was given to defendants for 6.6.2002. As per the report by the Process Server, defendant No.1 Baldev Singh was out of station, whereas defendant No.2 Sukhmander Singh avoided service, defendant No.3

Gurdeep Singh and defendant No.4 Pappa Singh refused to accept service of summons, however, their service was got effected by way of affixation. Sh.Ram Rakha Chowkidar of the village was witness to the same. Thereafter, the Court vide order dated 6.6.2002 directed issuance of fresh summons to defendant No.1 Baldev Singh and service of defendants No.2 to 4 through munadi. As per the report of Process Server, defendant No.1 Baldev Singh was refused to accept summons and was summoned affixation, which was witnessed by Dalip Singh, Chowkidar. Munadi/affixation had been got effected for services of defendants No.1 to 3. Notice was ordered to be issued to defendant No.1 Baldev Singh through munadi, which was also got effected. Since the defendants had not put in appearance, they were proceeded against ex-parte.

After recording ex-parte evidence, the suit of the plaintiffs was decreed by Civil Judge (Jr.Divn.), Moga vide judgment and decree dated 19.8.2003.

2. The defendants had filed an application dated 18.10.2003 seeking setting aside of ex-parte judgment and decree, which was opposed by the plaintiffs. Issues on merits were framed. The parties were given opportunities to lead evidence. Thereafter on hearing arguments, the trial Court vide judgment dated 30.7.2012 dismissed the application for setting aside of ex-parte judgment and decree.

3. Feeling aggrieved, the defendants had filed an appeal before District Judge, Moga, which was assigned to Additional District Judge, Moga, who vide judgment dated 21.2.2015 dismissed that appeal, affirming the judgment passed by the trial Court, leaving the defendants

aggrieved and they have filed the present revision petition, notice of which was issued to the respondents, who put in appearance through counsel.

4. Today there is no representation on behalf of the petitioners despite the case having been called several times during the day. The revision petition is of the year 2015 i.e. more than 7 years old and the matter cannot be left hanging in such a manner, therefore, I proceed to decide the revision petition after hearing learned counsel for the respondents No.1 to 3/plaintiffs and going through the record.

5. A perusal of the judgment passed by the trial Court as well as learned Additional District Judge, Moga goes to show that in light of the pleadings by the parties and on analysis of the evidence adduced by them on record, it has been concluded that the defendants were duly served but they failed to put in appearance in the trial Court, as such were rightly proceeded against ex-parte and the trial Court after recording ex-parte evidence was justified in decreeing the suit.

6. I find that the judgments passed by the Courts below are quite detailed and well reasoned and can certainly be not termed to be perverse or suffering from any element of arbitrariness. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned judgments by way of exercising the revisional jurisdiction.

7. Finding no merit in the revision petition, the same stands dismissed.

Since the main revision petition has been dismissed, the

miscellaneous application(s), if any, stand disposed of accordingly.

9.1.2023

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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No