

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6950 of 2017

Date of Decision: 28.11.2023

Hassan Mohammad

... Petitioner(s)

Versus

Ramjan

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashish Gupta, Advocate
for the petitioner(s).

Mr. Mudit Johar, Advocate
for Mr. Abhimanyu Singh, Advocate
for the respondent.

Anil Kshetarpal, J.

1. The respondent has filed a suit for the grant of decree of permanent injunction against the petitioner. In that suit, the petitioner appeared in person in the Court on 02.04.2012, but, thereafter, he absented. An *ex parte* judgment and decree was passed on 17.12.2012.

2. The petitioner, on 10.07.2013, has filed an application under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”) to set aside the *ex parte* judgment and decree. It was claimed that the petitioner engaged a lawyer who failed to appear because he colluded with the learned counsel representing the respondent. When the petitioner appeared in evidence, he claimed that he had engaged Mr.M.U.Hassan, Advocate, in the suit. The petitioner failed to prove that he engaged any counsel. The application was filed after a period of eight

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months from the passing of the *ex parte* judgment and decree. In the application, it has been stated that the petitioner came to know of the *ex parte* judgment and decree in the month of April, 2013, however, the application under Order IX Rule 13 CPC was filed on 10.07.2013. Thus, both the Courts below, on the basis of the material available, have concurrently come to a conclusion that the petitioner has failed to justify his absence.

2. The learned counsel representing the petitioner, though made a sincere attempt, however, failed to point out any substantive error in the facts noticed above.

3. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned orders. Consequently, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

November 28, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No