

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 7254 of 2018 (O&M)

Date of Decision: 04.07.2023

ICICI Bank Limited

... Petitioner(s)

Versus

The State Bank of India and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sandeep Suri, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner’s application for setting aside the *ex parte* judgment has been dismissed by both the Courts below. This revision petition has been preferred assailing the correctness of the orders passed by both the Courts below while dismissing the application under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as “the CPC”).
2. Admittedly, the petitioner-bank was served with a notice of the suit. It engaged the counsel and filed the written statement. Thereafter, the learned counsel engaged by the petitioner stopped appearing resulting in the initiation of the *ex parte* proceedings and a decree in favour of the plaintiff. After the substantial period, an application under Order IX Rule 13 of the CPC was filed by the petitioner claiming that the learned counsel engaged by the petitioner did not inform the bank about the pendency of the case.
3. Both the Courts below, as already noticed, found that the

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sufficient to set aside the *ex parte* judgment and decree which was passed on 08.08.2012, whereas an application for setting aside the *ex parte* judgment and decree was filed in the month of July, 2015.

4. The learned counsel representing the petitioner has been heard at length. He submits that the proceedings of the case were transferred from the Court of one Presiding Officer to another, but the bank was never informed. He further submits that previously, the counsel engaged by the petitioner was appearing, however, he stopped appearing when the case was transferred to the Court of another Presiding Judge.

5. It would be noticed that while filing an application, the petitioner has alleged that the counsel engaged by them failed to appear and he did not file any application to set aside the *ex parte* proceedings. He also did not inform the petitioner-bank. At the stage of revision petition, the learned counsel representing the petitioner cannot be permitted to make out a new case.

6. The scope of interference in the concurrent orders passed by both the Courts below is extremely limited.

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

8. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

July 04, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No