

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

143

2023:PHHC:103893

CR-1171-2020

Date of decision: 10.08.2023

MALKIAT SINGH

..Petitioner

Versus

BHAGWAN DASS

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.K. Khunger, Advocate
for the petitioner.

Mr. Yogesh Aneja, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. An application filed by the defendant under Order IX Rule 13 of the Code of Civil Procedure, 1908 to set aside the ex parte judgment and decree for recovery of Rs.9,50,000/- has been allowed by the trial Court after finding that the alleged report of refusal on the notice sent, is doubtful.

2. The correctness of the aforesaid order has been assailed in this revision petition.

3. The learned counsel representing the petitioner submits that the trial Court while setting aside the ex parte decree should have directed the defendant to furnish security in order to protect the interest of the petitioner.

4. On a Court question, he admits that this argument was never pressed before the trial Court.

5. In the exercise of revisional jurisdiction, the Court is required to examine the legality and propriety of the impugned order, which has been passed by the trial Court.

6. Hence, no ground to interfere is made out.

7. Dismissed accordingly.

8. All the pending miscellaneous applications, if any, are also disposed of.

August 10th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:
:

Yes/No
Yes/No