

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CR-2183-2023(O&M)

Date of decision:-20.4.2023

Sunita Rani

...Petitioner

Versus

Varinder Kumar and others

...Respondents

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

Present: Mr.Chetan Bansal, Advocate  
for the petitioner.

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**H.S. MADAAN, J.**

1. Under challenge in this revision petition is the order dated 10.2.2023 passed by the Court of Civil Judge(Jr.Divn.), Hoshiarpur in a petition under Order 39 Rule 2-A CPC titled 'Sunita Rani Versus Narinder Kumar and others' in which an application filed by respondent No.1 Varinder Kumar for setting aside ex-parte order dated 6.7.2022 had been allowed.

2. The grouse of the revision petitioner is that though respondent No.1 had initially put in appearance in the Court on 3.2.2021 and sought time to file reply but did not do so and subsequently absented from the Court on 6.7.2022, he was proceeded against ex-parte on that very date; the petitioner had led her evidence and arguments had been addressed when respondent No.1 moved an application dated 7.1.2023 for

setting aside exparte order, which was wrongly accepted by the trial Court vide the impugned order.

3. Such order left the petitioner aggrieved and she has approached this Court by way of filing the present revision petition.

4. I have heard learned counsel for the petitioner besides going through the record and I find that there is absolutely no merit in the revision petition.

5. Although respondent No.1 did show some negligence and carelessness in absenting from the Court on 6.7.2022, however, it is to be kept in mind that he is an aged person of 78 years and as pleaded by him in the application, his wife was suffering from heart problem, getting treatment from PGI, Chandigarh, therefore, the reason for absence so explained in the application cannot be termed as totally improbable and unconvincing. Even otherwise, it is always desirable to decide a lis on merits, rather than shutting the doors of contest upon a litigant more particularly in cases like one in hand, where if the petition is accepted, then the respondents can be ordered to be sent to civil imprisonment for a period up to 3 months and their properties can be attached. With such serious consequences, which may follow, the trial Court was justified in allowing respondent No.1 to join the proceedings and contest the same.

6. The impugned order passed by the trial Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. 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 order 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.

20.4.2023  
Brij

(H.S.MADAAN)  
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No