

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.126

Case No. : C. R. No. 4603 of 2023

Date of Decision : August 16, 2023

Parminder Singh Petitioner

vs.

Juki India Private Limited Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr.B.R.Rana-I, Advocate
for the petitioner.

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GURBIR SINGH, J. :

1. Challenge in this revision petition filed under Article 227 of the Constitution of India is to order dated 26.03.2019 (Annexure P-1), passed by learned Civil Judge (Junior Division), Ludhiana, whereby the petitioner was proceeded ex-parte and further to the order dated 14.07.2023 (Annexure P-6), passed by learned Civil Judge (Junior Division), Ludhiana, whereby application filed by the petitioner for setting aside the above-said order dated 26.03.2019 has been dismissed.

2. Learned counsel for the petitioner submits that earlier the petitioner was attending the proceedings of the case through his counsel but later, due to disc problem, he became seriously ill and remained on bed rest for a very long time and could not contact his lawyer. Therefore, he failed to attend the court proceedings on 26.03.2019, when he was proceeded ex-parte.

3. He then moved revision petition bearing C. R. No. 2601 of 2023. However, the same was dismissed as withdrawn with liberty to the petitioner to move an application under Order 9 Rule 7 CPC before the learned Trial Court. It has been further submitted by learned counsel that the petitioner moved an application dated 24.03.2022 for setting aside the ex-parte proceedings but the same was dismissed.

4. The case before the Trial Court is at the stage of recording ex-parte evidence. It is further the case of the petitioner that he was taking the help of some relative to attend the criminal proceedings in another case. In the instant case, he had already engaged a lawyer. His presence in the Court was not mandatory. It is, therefore, requested that the impugned order be set aside.

5. I have heard the submissions made by learned counsel for the petitioner and have also gone through the case file.

6. The petitioner moved an application to set aside the impugned order on the ground that he remained bed-ridden due to disc problem but no medical record was produced. The petitioner has admitted in this petition itself that he was appearing in the Court to attend criminal proceedings. So, version of the petitioner that he could not appear in the Court is an after-thought version. The learned Trial Court held that version of the petitioner that he was suffering from illness was not acceptable and second application for setting aside the ex-parte proceedings was not maintainable. The petitioner was allowed to join the proceedings. The petitioner has filed the application on medical ground but no medical record was produced. He had been appearing in the Court to attend the criminal proceedings. It is not the

sweet-will of the party to attend the Court whenever it suits him and not to appear in the Court without any reason. The petitioner has failed to show any sufficient cause for his absence.

7. Keeping in view all the facts and circumstances of the case, there is no merit in the instant revision petition and the same is accordingly dismissed.

8. Pending applications, if any, shall stand disposed of along with this judgment.

August 16, 2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.