

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

2024:PHHC:062064

CR-966-2021
Date of decision: 06.05.2024

KULWANT RAI ..Petitioner

Versus

VIJAY KUMAR ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Chauhan, Advocate
with Ms. Deepika Chauhan, Advocate
for the petitioner.

Mr. Rajeev Dev Sharma, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. While filing the application under Order IX Rule 13 of the Code of Civil Procedure, 1908 to set aside the ex parte decree for damages on account of malicious prosecution, the petitioner also filed an application for condoning the delay of two years and six months in filing the application. The same has been allowed by the First Appellate Court.
2. The learned counsel representing the petitioner submits that respondent was served through publication and the First Appellate Court has erred while allowing the application under Section 5 of the Limitation Act, 1963.
3. This Court has considered the submissions of the learned counsel representing the parties.
4. The First Appellate Court has exercised its discretion, which is not proved to be suffering from any perversity.

- 5. Hence, no ground to interfere is made out.
- 6. Dismissed accordingly.
- 7. All the pending miscellaneous applications, if any, are also disposed of.

May 06th, 2024
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No