

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

**CR No.7623 of 2023 (O&M)
Date of Decision: 26.04.2024**

Ram Kesh

...Revisionist-Petitioner

Versus

Jagpreet Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Rajesh Punj, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (Oral)

By way of filing the instant revision-petition under Article 227 of the Constitution of India, the petitioner-plaintiff No.1 (here-in-after to be referred as 'the petitioner') has assailed the order passed by learned Civil Judge (Senior Division), Ambala (for short 'the trial Court') on 09.10.2023, whereby the applications, moved by respondents-defendants No.3, 4 and 6 to 8 with the prayer to set-aside the order dated 18.01.2023 qua proceeding *ex-parte* against them in ***Civil Suit No.16 of 2018*** titled as '***Ram Kesh etc vs. Jagpreet Singh etc***', have been allowed in view of the endorsement, made by his (petitioner's) counsel thereon, regarding having no objection for the same.

2. I have heard learned counsel for the petitioner in the present revision-petition, at the preliminary stage and have also gone through the file carefully.

3. Learned counsel for the petitioner contends that the counsel, representing the petitioner in the trial Court, had made the afore-referred endorsement without his (petitioner's) consent and the petitioner has already

moved a complaint against him (counsel) to the Bar Council and moreover, the above-said defendants had intentionally preferred to be proceeded against *ex-parte* in the Suit and therefore, the *ex-parte* order, as passed against them, should not have been set-aside and in these circumstances, it becomes explicit that the impugned order is not legally sustainable and deserves to be set-aside.

4. However, the afore-raised contentions are not tenable because as regards the contention qua learned counsel for the petitioner in the trial Court, having made the above-referred endorsement without his consent, it is pertinent to mention here that concededly, the petitioner has already availed the remedy of filing the complaint against him to the Bar Council.

5. So far as the contention regarding the afore-indicated defendants not deserving the relief of setting-aside of the *ex-parte* order passed against them, is concerned, the same is also bereft of any force as the above-said Suit is still pending adjudication and it would be expedient and appropriate to afford reasonable opportunity to the parties to contest the same on merits.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, irregularity, infirmity or perversity so as to call for any interference by this Court. Resultantly, the revision-petition in hand, being *sans* any merit, stands dismissed.

26.04.2024
neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*