



CR-3408-2025(O&M)

1

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

CR-3408-2025(O&M)**Date of decision:08.07.2025**

M/s Faullerton India Credit Company Ltd.

..Petitioner

Versus

Subhash Chander and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Singla, Advocate for the petitioner

ANIL KSHETARPAL, J. (Oral)

1. Through this revision petition, the defendant assails the correctness of the orders passed on 10.11.2022 and 04.10.2024. The respondent (plaintiff) has filed a suit for the grant of decree of permanent and mandatory injunction restraining the defendant from selling/alienating/transferring the vehicle and registering any document of ownership in the name of any other person. Prayer for passing a decree for mandatory injunction directing the defendant to hand over the possession of the vehicle has also been made. The suit was filed in the month of March, 2019. The defendant entered appearance on 11.03.2019 and filed an application under Section 8 read with Section 5 of the Arbitration and Conciliation Act, 1996 for referring the dispute to the Arbitrator. The application was dismissed on 16.09.2022. Thereafter, the petitioner was granted an opportunity to file written statement to the suit. However, the defendant was not represented. Hence, it was proceeded against ex-parte. The defendant



CR-3408-2025(O&M) 2

filed an application under Order IX Rule 7 of the Code of Civil Procedure, 1908 to set aside the ex-parte proceedings. In the month of April 2023, again the defendant failed to appear. Thereafter, the defendant stopped appearing as would be evident from order sheets dated 05.01.2023, 28.02.2023, 21.04.2023, 28.07.2023, 20.11.2023, 05.03.2024, 26.04.2024 and 10.09.2024. Ultimately, on 04.10.2024 the court was forced to dismiss the application to set aside ex-parte proceedings as neither the defendant nor its counsel was present. The defendant once again filed an application for recall of the order dated 04.10.2024 which has been dismissed after looking at its conduct.

- 2. This Court has considered the submissions made by the learned counsel representing the petitioner.
- 3. It is evident that defendant has been taking the proceedings of the court in a very casual manner. There is total lack of seriousness on the part of the defendant to contest the suit, which is pending for more than last 6 years.
- 4. Keeping in view the aforesaid facts, no ground to interfere is made out.
- 5. Hence, dismissed.
- 6. All the pending miscellaneous applications, if any, are also disposed of.

08.07.2025

rekha

Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

Yes/No

Yes/No