

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****134****CR-3417-2025 (O&M)****Date of decision: 13.11.2025****Sona Devi****...Petitioner(s)****Vs.****Ramesh Kumar and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Vikram Singh, Advocate for the petitioner.

*********NIDHI GUPTA, J.**

Present Civil Revision Petition under Article 227 of Constitution of India has been filed by the plaintiff seeking setting aside of the order dated 16.04.2025 (Annexure P-5) passed by learned Civil Judge (Junior Division), Karnal; whereby application filed by the respondent/defendants No. 12, 19, 20, 21 and 24,, under Order 9 Rule 13 and Order 22 read with Section 151 CPC for setting aside the ex-parte order dated 10.04.2024 (Annexure P-1) and ex-parte judgment and decree dated 07.05.2024 (Annexure P-2) has been allowed, and Civil Suit was ordered to be restored to its original number.

2. It is *inter alia* submitted by learned counsel for the petitioner that vide the impugned order, application of the respondents filed under Order 9 Rule 13 CPC has been allowed by the learned Trial Court on the ground that the service upon the respondents was effected through publication in the first instance itself without first issuing notice to them.



3. Learned counsel for the petitioner points out that as recorded in the zimni order dated 05.04.2023 (Annexure P-6), it is clear that notice was issued to the defendants; and as they remained unserved, application was moved on behalf of the plaintiff for service through publication. Learned counsel contends that therefore, the premise on which the impugned order has been passed, is factually incorrect. It is accordingly prayed that the present Revision Petition be allowed; and the impugned order dated 16.04.2025 (Annexure P-5) be set aside.

4. No other argument is raised on behalf of the petitioner. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced by the learned counsel for the petitioner.

5. A perusal of the record of the case shows that petitioner had filed a Civil Suit for declaration and permanent injunction on 27.03.2023 in which notice was issued. Upon notice, defendants had appeared and filed written statement. Subsequently, vide order dated 10.04.2024 (Annexure P-1), defendants No. 2 to 15 and 19 to 38 were proceeded against ex parte; in pursuance to which final order/Award and ex-parte judgment and decree dated 07.05.2024 (Annexure P-2) came to be passed. Subsequently, respondents No. 12, 19, 20, 21 and 24 moved instant application dated 16.11.2024 under Order 9 Rule 13 and Order 22 read with Section 151 CPC for setting aside the ex-parte order dated 10.04.2024 (Annexure P-1) and ex-parte judgment and decree dated



07.05.2024 (Annexure P-2). Vide the impugned order, the said application has been allowed.

6. It is to be noted that in the judgment and decree dated 07.05.2024 (Annexure P-2), the learned Trial Court has observed that the matter was sent for Mediation; whereupon parties had entered into a compromise Ex.C1 which formed part and parcel of the decree. Accordingly, the suit of the plaintiff/petitioner stood decreed in terms of the compromise. Learned Trial Court further observed that only the appearing parties are bound by the compromise; and 3rd party is not bound by the Award. Thereafter, respondents No. 12, 19, 20, 24 and 21 had filed the instant application dated 16.11.2024 (Annexure P-3) for setting aside the ex-parte order, to which the petitioner had filed reply dated 08.04.2025 (Annexure P-4).

7. It is also to be noted that in the impugned order dated 16.04.2025 (Annexure P-5), learned Trial Court has categorically observed that the plaintiff despite having knowledge of the correct addresses of the applicants, had not ensured proper service upon them. Moreover, service through publication was made in Punjabi language newspaper only. Be that as it may, in any event, for the proper adjudication of the matter, presence of the defendants/applicants is necessary. This has been correctly observed by the learned Trial Court in impugned order.

8. Given the above facts and circumstances of this case, I find no ground is made out to interfere in the impugned order dated



16.04.2025 (Annexure P-5). The present Civil Revision Petition is accordingly **dismissed**.

9. Pending application(s), if any, also stand(s) disposed of.

13.11.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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