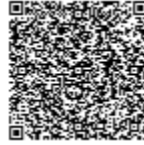


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2025:PHHC:045961



(134)

CR-4233-2024 (O&M)

Decided on : 03.04.2025

Tarsem Singh & another

.....Petitioners

Versus

Piare Lal & others

.....Respondents

CORAM : HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.Namit Gautam, Advocate, for the petitioners.

Mr.Hitesh Pandit, Advocate, for respondents No.2 & 3.

ANIL KSHETARPAL, J. (Oral)

1. The petitioners herein are defendants No.1 & 2 in a plaintiff's suit for declaration to the effect that the Agreement To Sell dated 31.08.2017 has come to an end, with consequential relief of permanent injunction.

2. Tarsem Singh was impleaded as defendant No.1 whereas Darshan Lal was impleaded as defendant No.2. On 16.07.2019, Tarsem Singh was proceeded against *ex parte*. On 09.10.2019, Darshan Lal was proceeded against *ex parte*. A joint application for setting-aside *ex parte* proceedings was filed which was partly allowed on 24.02.2020 and *ex parte* proceedings against Darshan Lal was set-aside whereas application qua Tarsem Singh was dismissed. However, both the defendants filed a joint statement. Again, Tarsem Singh was proceeded against *ex parte* on 27.09.2022. He filed application for setting-aside *ex parte* proceedings which has been dismissed on 29.02.2024, during the pendency of this revision petition. The petitioners (defendants) have been permitted to cross-examine the plaintiffs' witnesses examined by the plaintiffs. The petitioners have already filed the written statement. Hence there is no requirement of relegating the petitioners to the original position.

3. Learned counsel representing respondents No.2 & 3 submit that the petitioners cannot be permitted to lead evidence.

4. This Court has considered the submissions. In fact, when the Court proceeds against a defendant *ex parte*, the effect of order is only for that date of hearing. The defendant who has been proceeded *ex parte* can join on the next date of hearing. However, he cannot seek that he should be relegated to the position when he was proceeded *ex parte* unless he files an application and *ex parte* proceedings are set-aside.

5. The defendants will be called upon to lead evidence once the plaintiffs' evidence is concluded. Hence, the defendants cannot be debarred from leading evidence.

6. With the above observations, the present revision petition is disposed of.

April 3, 2025
sailesh

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No