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

**CR-4917-2025 (O&M)
Date of Decision: 30.07.2025**

Satpal

.....Petitioner

Vs.

Kali Ram @ Kalia

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. G.S.Sandhu, Advocate,
for the petitioner.

SUDEEPTI SHARMA J. (ORAL)

1. Challenge in the petition is to order dated 13.05.2025 passed by the learned Civil Judge (Junior Division), Panipat, whereby, the application filed by the petitioner/defendant for setting aside *ex parte* order dated 18.12.2023 was dismissed.

2. Learned counsel for the petitioner contends that the learned Civil Judge (Junior Division), Panipat, has wrongly dismissed the application moved by the petitioner for setting aside *ex parte* order dated 18.12.2023 only on the ground of delay. He further contends that since the petitioner met with an accident, therefore, he could not convey the same to his advocate, therefore, there was a delay in filing the application. Hence, he prays for setting aside of the impugned order dated 13.05.2025.

3. I have heard learned counsel for the petitioner and perused the case file with his able assistance.



4. A perusal of the file shows that it was on 18.12.2023, when the petitioner was proceeded against *ex parte* and thereafter, the case was adjourned eight times, which is duly reflected in CIS. Further, no application for condonation of delay was filed by the petitioner alongwith the application, since the application for setting aside order dated 18.12.2023 was moved on 09.01.2025 i.e. after a gap of more than one year and the period of limitation prescribed as per the statute is of 30 days from the date of order or from the date of knowledge. There is nothing on record, which would explain the delay in filing the application.

5. The relevant portion of the impugned order dated 13.05.2025 is reproduced as under:-

“4. Heard. Case file perused. Perusal of file shows that on 18.12.2023, none appeared on behalf of defendant and he was proceeded against exparte. Therefore, case proceeded for exparte evidence of plaintiff. Further, defendant was appearing in case since 04.08.2018 but the application at hand was moved on 09.01.2025 after gap of more than one year and no application has been moved u/s 5 of Limitation Act for condonation of delay. The defendant has neither averred nor proved the date of knowledge of these proceedings and as per Limitation Act, period of limitation is 30 days from the date of the order or from the date of knowledge only when summons were not duly served but that is not the case in the suit at hand. Hence, the present application is time barred and aimed at delaying proceedings of the case. Further, case was adjourned 8 times after defendant was proceeded



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against exparte and all such dates were duly reflected in CIS. Therefore, it cannot be believed that defendant did not have knowledge of the matter. Hence, in these circumstances, it was necessary for defendant to mention date of knowledge about being proceeded against exparte and explain the delay in moving of present application. It is not clear what prevented the defendant from moving this application earlier. Merely submitting that he could not contact his counsel is not sufficient cause to set-aside the court order dated 18.12.2023.”

6. A perusal of the above shows that learned Civil Judge (Junior Division), Panipat, has categorically dealt with every aspect of the case and has rightly dismissed the application. Therefore, I do not find any infirmity or illegality in the impugned order dated 13.05.2025 passed by the learned Civil Judge (Junior Division), Panipat and the same does not warrant any interference. Accordingly, the present petition is **dismissed** and the impugned order dated 13.05.2025 is hereby upheld.

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

(SUDEEPTI SHARMA)
JUDGE

30.07.2025

Virender

Whether speaking/non-speaking : Yes
Whether reportable : Yes/No