



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-4815-2022 (O&M)

Date of Decision :02.07.2025

BISHAMBER DAYAL

. . . . PETITIONER

Vs.

RAM PARTAP AND OTHERS

. . . . RESPONDENTS

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.Sudhanshu Makkar, Advocate,
for the petitioner.

Mr.Prateek Pandit, Advocate,
for respondents No.1, 2, 3(a) to 3(g), 8 and 9.

DEEPAK GUPTA, J. (ORAL)

In Civil Suit No.113 of 2007, filed by the plaintiffs-Ram Partap and others, seeking partition of the property in dispute, the petitioner herein was defendant No.3, who was proceeded *ex parte*. The preliminary decree was passed on 22.12.2011, which was modified on 03.10.2019. Proceedings have been initiated by the plaintiffs for passing of the final decree. Notice was again issued to the defendants including the petitioner and despite service, he again failed to turn up. Now during the proceedings of the final decree, application was moved for suggesting the mode of partition and it is at that stage that petitioner-defendant No.3 moved an application for setting aside the *ex parte* proceedings. That application has been dismissed by the trial Court by way of impugned order dated 10.10.2022, which has been assailed before this Court.

2. Learned counsel for the petitioner submits that he only seeks permission to participate in the further proceedings, without challenging the passing of the preliminary decree or determination of his share in the said decree. Learned counsel submits that petitioner may be allowed to participate in the further proceedings, so as to file his objections regarding the mode of partition.

3. Though counsel for respondents No.1, 2, 3(a) to 3(g), 8 and 9 has opposed the aforesaid prayer of the petitioner, but this Court finds the said prayer to be quite justified, particularly when the petitioner does not want the trial Court to take the proceedings back and only want to participate in the further proceedings.

4. As such, the present petition is hereby disposed of with the direction to the trial Court to permit the petitioner to participate in the further proceedings.

02.07.2025

Vivek

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned	: Yes
Whether reportable	: No