



In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 908 of 2020

Date of Decision: 13.05.2025

Baljit Singh

... Petitioner(s)

Versus

Nirmal Chopra

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rajinder Sharma, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner assails the correctness of the concurrent orders passed by both the Courts below while dismissing his application to set aside the *ex parte* judgment and decree. The respondent filed a suit for possession by way of specific performance of agreement to sell. The petitioner, pursuant to the notice, appeared through his counsel and filed written statement. Thereafter, he stopped appearing. Ultimately, the suit was decreed *ex parte* on 29.07.2015. The decree holder filed an execution petition. At that stage, the petitioner filed an application on 16.02.2016 to set aside the *ex parte* decree which has been dismissed by both the Courts below on the ground that the petitioner had the knowledge of the pendency of the suit and he deliberately did not appear. Moreover, the application filed by the petitioner was filed beyond the prescribed period of limitation.

2. The learned counsel representing the petitioner submits that deposition of the petitioner has been misread as he has admitted the

knowledge of the pendency of the suit. However, there is no admission to the effect that he has been proceeded against *ex parte*.

3. This Court has considered the submissions of the learned counsel representing the petitioner.

4. From the facts already noticed, it is evident that the petitioner was served with a notice in the suit and he appeared. Thereafter, he absented himself from the proceedings. Hence, he had knowledge of the pendency of the suit. The petitioner never filed any application seeking condonation of delay as the application to set aside the *ex parte* judgment and decree was filed nearly after a period of seven months of the passing of the decree.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent orders passed by both the Courts below. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

May 13, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No