



CR-7196-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-7196-2025

Date of decision :27.10.2025

NARINDER SINGH

... PETITIONER

VERSUS

KUSHAM RANI SINCE DECEASED THROUGH HER LRS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The petitioner is aggrieved by the impugned orders dated 11.08.2025 (Annexure P-19) passed by the Civil Judge (Junior Division), Dhuri, whereby the application filed by the applicant-petitioner under Order IX Rule 13 of the Code of Civil Procedure, 1908 for setting aside the *ex-parte* judgment and decree dated 18.12.2024 was dismissed. The petitioner is further aggrieved by the order passed by the First Appellate Court, i.e., the Court of Additional District Judge, Sangrur, whereby the first appeal preferred by the applicant-petitioner against the aforesaid order dated 11.08.2015 was also dismissed.

2. The applicant-petitioner had preferred an application under Order IX Rule 13 of the Code of Civil Procedure, 1908 seeking to set aside the *ex parte* order dated 17.12.2024 as well as the judgment and decree dated 18.12.2024, whereby Rent Petition No. 5 of 2017 was allowed. In his application, the applicant-petitioner asserted that he had been diligently contesting the eviction petition filed by the landlord and that he, along with his counsel, had been



regularly appearing before the Court on each and every date of hearing. On 13.12.2024, both the applicant-petitioner and his counsel remained present in Court; however, the case was not called in their presence and was adjourned to 17.12.2024. On 17.12.2024, the applicant-petitioner again remained present in Court, but the case was neither called nor was the name of the applicant-petitioner announced, and the matter was adjourned to 18.12.2024. It is the case of the applicant-petitioner that he also remained present on 18.12.2024, yet again the case was not called, nor was any further date fixed. On 19.12.2024, upon visiting the Court premises, the applicant-petitioner came to know that the rent petition had already been decided *ex-parte* on 18.12.2024.

3. The applicant-petitioner further asserted that the order dated 13.12.2024 had not been uploaded on the e-Courts portal even up to 18.12.2024, and similarly, the orders dated 17.12.2024 and 18.12.2024 were also not uploaded till that date. On account of the non-uploading of these orders, the applicant-petitioner and his counsel were unaware of the precise status of the case.

4. It was further averred that the applicant-petitioner had never remained absent on any date of hearing and that his counsel had already filed a complaint against the Presiding Officer, due to which the impugned orders were passed adversely against him. It was also submitted that the counsel for the applicant-petitioner had duly appeared in several other cases before the same Court on 13.12.2024, 17.12.2024, and 18.12.2024, which demonstrates his presence in the Court premises.

5. The applicant-petitioner contended that there was no reason for him to avoid the Court as the case was fixed for arguments, and both he and his counsel were fully prepared to address the same. It is thus submitted that the applicant-petitioner was wrongly proceeded against *ex-parte* and has been condemned



unheard, without being afforded a proper opportunity to present his case.

6. The application for setting-aside ex-parte order dated 17.12.2024 and judgment and decree dated 18.12.2024 was duly contested by petitioner-landlord on the ground of maintainability as well as on merits. Both the Courts below, however, have rejected the contentions raised by applicant-petitioner, hence revision petition.

7. The learned Court of first instance, while dismissing the application under Order IX Rule 13 CPC, duly took note of the conduct of the present petitioner in detail. It was observed that the rent petition had been filed by the landlord, wherein respondent No. 2 had duly appeared, whereas respondent No. 1 was proceeded against ex parte on 20.11.2017. During the pendency of the rent petition, respondent No. 2, namely Satpal, expired, and his legal representatives (LRs) were brought on record. Out of five LRs so impleaded, three were proceeded *ex parte*, and Sh. Karan Bansal, Advocate, appeared on behalf of LR No. B of respondent No. 2. It was further noticed that even the original petitioner had passed away during the pendency of the proceedings, and her legal representatives were also impleaded. LR No. E of respondent No. 2 was also proceeded against *ex-parte*, and the matter was then fixed for rebuttal evidence, if any, and arguments.

8. On 13.12.2024, none appeared on behalf of LR No. B of respondent No. 2, whereupon the Court issued notice to LR No. B for 17.12.2024. On that date, despite due service of notice and the matter being listed for rebuttal evidence and final arguments, no one appeared on behalf of LR No. B. Consequently, on 17.12.2024, the case was taken up and decided on merits, the Court having observed that it was an old and excessive case pending since 2017.



13.12.2024 had been duly served upon LR No. B of respondent No. 2, thereby informing him of the next date of hearing fixed as 17.12.2024.

10. The petitioner contended that he was present on 13.12.2024, 17.12.2024, and 18.12.2024; however, the case was never called, and the orders were not uploaded on the e-Courts portal. It was only on 19.12.2024 that he came to know that the matter had been decided *ex parte*. The petitioner also asserted that his counsel had appeared before the Court on these dates in other matters listed before the Court of first instance. At first glance, the petitioner's claim of presence, coupled with the fact that his counsel had filed an administrative complaint against the Presiding Officer, may appear to support the argument that the petitioner had been wrongly proceeded against *ex-parte*. However, upon a closer examination, it is evident that the petitioner's alleged non-appearance on 13.12.2024, 17.12.2024, and 18.12.2024 appears to be an attempt to mislead and intimidate the Court of first instance.

11. It is noteworthy that on 13.12.2024, when the petitioner allegedly remained absent, the Court did not proceed against him but instead issued a notice for 17.12.2024. The orders dated 13.12.2024 and 17.12.2024 clearly show that notices were issued and duly served upon the petitioner. Specifically, the order dated 17.12.2024 records that the notice issued to Narinder Singh, LR No. B of respondent No. 2, was received back served.

12. The learned counsel for the petitioner was asked to demonstrate whether the issuance and service of notices as recorded in the orders dated 13.12.2024 and 17.12.2024 were factually incorrect. However, no material was placed before the Court to challenge the due service of the notice for 17.12.2024.

The fact that the notice was issued on 13.12.2024 and duly served on 17.12.2024 establishes the correctness of the findings of the lower Court and negates the



petitioner’s claim that he was present in Court on the said dates and that his counsel appeared in other matters but his presence was not recorded in present case. From the orders dated 13.12.2024 and 17.12.2024, it is clear that the learned counsel for the petitioner, who may have appeared in other cases, had not entered appearance in the present case. Had the petitioner truly been present on 13.12.2024, upon receiving the notice for 17.12.2024, he could have immediately approached the Court by filing an application to demonstrate his presence or sought relief from the higher Court/District Judge by alleging wrongful service or had made administrative complaint. However, petitioner has not taken any of above noted natural steps. The administrative complaint dated 30.11.2024 by advocate against Presiding Officer was for transfer of all his cases to other Courts on alleged misconduct and prejudice against him. It was not relating to conduct of Court on 13.12.2024, 17.12.2024 and 18.12.2024 as alleged by petitioner. The fact that notice issued on 13.12.2024 was received by him has been conveniently concealed by petitioner. The petitioner’s failure to do so, despite claiming presence, amounts to suppression of material facts, which is fatal to his case.

13. In the present matter, the petitioner has failed to demonstrate sufficient cause for his non-appearance on 17.12.2024 and 18.12.2024. Consequently, no fault can be found with the impugned orders. The orders passed by the Court of first instance as well as the Appellate Court are accordingly upheld, and the revision petition is dismissed.

27.10.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No