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

CR-8410-2025

Date of decision: 19.11.2025

Vijay Yadav

...Petitioner

Versus

Vijay Kumar Sharma @ Vijay Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rahul Chadha, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 18.08.2025 (Annexure P-10) passed by the Additional Civil Judge, Senior Division, Kharar, District SAS Nagar, Mohali Punjab in Civil Suit No.CS/476/2021 titled as “Vijay Kumar Sharma Vs. Vijay Yadav” by virtue of which application of the petitioner/defendant for setting aside ex-parte order dated 07.01.2025 has been dismissed, although liberty has been granted to the petitioner to join the proceedings at that stage. Challenge is also to the order dated 07.01.2025 (Annexure P-9) vide which the petitioner was proceeded against ex-parte, on the third occasion.

2. The facts in the present case clearly depict that every endeavour has been made by the petitioner, who is a defendant in a suit for possession



by way of eviction and for recovery of arrears of rent, to delay the proceedings. It is not in dispute that the respondent had filed a suit for possession by way of eviction and also for recovery of arrears of rent. On 04.07.2022, the petitioner did not appear and thus, he was proceeded against ex-parte. The order dated 04.07.2022 is reproduced hereinbelow:-

“Present: Sh. Gaurav Verma Advocate for the plaintiff.

None for defendant.

*Today, the case was fixed for filing written statement on behalf of defendant. Case called several times since morning at different intervals but neither defendant appeared in person nor he is represented by any counsel. **It is already 04:00 PM. The Court time is likely to be over. No further wait is justified. As such, defendant is hereby proceeded against ex-parte.***

***Now to come up on 01.08.2022 for ex-parte evidence of plaintiff.** PW's be produced on date fixed at own responsibility.*

Date of Order: 04.07.2022

(Sudipa Kaur)

Civil Judge (Junior Division)

UID NO . PB00556”

3. An application was moved by the petitioner for setting aside the said order which was allowed on 23.08.2022 and the petitioner was allowed to join the proceedings subject to the payment of cost of Rs.500/-. On a pointed query raised by this Court, learned counsel for the petitioner has submitted that he is not aware as to whether the said cost has been deposited or not. Although, zimni orders from 23.08.2022 to 23.03.2023 have not been annexed with the paper book, however, a perusal of order dated 23.03.2023 would show that it had been recorded in the same that



previous cost of Rs.1000/- was also required to be deposited by the petitioner. On 01.07.2023, the petitioner again did not appear and was proceeded against ex-parte. Order dated 01.07.2023 is reproduced hereinbelow:-

*“Present: Sh. Atul Aggarwal Advocate for plaintiff.
None for defendant.*

Today the case was fixed for addressing arguments on the application under Order 15 Rule 5 CPC for striking off defence of the defendant. Previous costs of Rs.1000/- not deposited by the defendant.

Arguments to the application under Order 15 Rule 5 CPC for striking off defence of the defendant addressed by Ld counsel for the plaintiff. However, none has appeared on behalf of defendant. Let the case be again taken up after lunch break for awaiting presence of defendant.

*Date of Order: 01.07.2023 (Sudipa Kaur)
Civil Judge (Junior Division)
UID NO . PB00556*

*Present: Sh. Atul Aggarwal Advocate for plaintiff.
None for defendant.*

File again taken up at 02:00 PM. Case called several times but neither the defendant nor anyone on behalf of the defendant appeared in the Court. Let the case be again taken up at 04:00 PM for awaiting presence of defendant.

*Date of Order: 01.07.2023 (Sudipa Kaur)
Civil Judge (Junior Division)
UID NO . PB00556*

*Present: Sh. Atul Aggarwal Advocate for plaintiff.
None for defendant.*

File again taken up at 04:25 PM. Case called for several of times but neither the defendant nor anyone



appeared on his behalf. It is already 4:30 pm. Accordingly, defendant is hereby proceeded against exparte. Plaintiff has already examined PW-1 Vijay Kumar in exparte evidence. Now, the case is adjourned to 07.07.2023 for remaining entire exparte evidence of plaintiff. PWs be produced at his own responsibility.

Date of Order: 01.07.2023

(Sudipa Kaur)

Civil Judge (Junior Division)

UID NO . PB00556”

4. A perusal of the above order dated 01.07.2023 would show that neither the cost of Rs.1000/- had been deposited by the petitioner nor he had appeared, although, the case was taken up on three occasions. A perusal of order dated 04.11.2023 which has been annexed as Annexure P-6 along with the present petition would show that even rent was not being paid by the petitioner and thus, it was observed by the trial Court that in case rent is not paid then the defence of the petitioner would be struck off and the case was adjourned to 08.12.2023 for payment of rent. In the order dated 05.03.2024, it was specifically recorded that the rent has not been paid and the said order has been annexed as Annexure P-8 (page 31-A of the paper book). Thereafter, on 16.05.2024, the defence of the petitioner was struck off in view of the order dated 04.11.2023 and learned counsel for the petitioner has fairly submitted that the said order dated 16.05.2024 has not been challenged till date.

5. It would be relevant to note that although on 05.09.2023, ex-parte order dated 01.07.2023 was set aside and the petitioner was permitted to join the proceedings on payment of Rs.2000/- as cost but again on 07.01.2025, the petitioner did not appear and thus, he was proceeded against



ex-parte. The order dated 07.01.2025 is reproduced hereinbelow:-

*“Present: Sh. Gaurav Verma Advocate for the plaintiffs.
None for defendant.*

Case called several times but none has appeared on behalf of defendant. It is already 04.30 PM. Further wait is not justified. Accordingly, defendant is proceeded against ex parte.

No PW is present today. PW Abdul Sattar served but he did not appear today. Let his presence be now procured throughailable warrants in sum of Rs.5000/- with one surety in the like amount for 07.02.2025.

On request, case is adjourned to 07.02.2025 for remaining plaintiff evidence, to be produced at own responsibility subject to last and final opportunity. Notice to remaining witnesses be issued for the date fixed. Dasti summons be taken if need be.

Date of Order: 07.01.2025 (Hasan Deep Singh Bajwa)

Additional Civil Judge (Senior Division)

UID NO . PB00387”

6. An application was moved by the petitioner for setting aside the said ex-parte order which was dismissed vide order dated 18.08.2025 after noticing the facts that on three occasions, the petitioner had been proceeded against ex-parte. The trial Court, however, granted liberty to the petitioner to join the proceedings at that stage. After passing of the order dated 18.08.2025, the petitioner did not immediately challenge the said order and thus, the proceedings continued. Subsequent to 18.08.2025, on 17.09.2025, PW3 was examined and thereafter, documents were also tendered and defence of the respondent-plaintiff was closed by order vide order dated 27.10.2025 and the matter was adjourned to 10.11.2025 for



arguments. Order dated 27.10.2025 is reproduced hereinbelow:-

*“Present: Sh. Gaurav Verma Advocate, counsel for the
plaintiffs.*

Defendant ex parte.

***Ld. Counsel for the plaintiff has closed evidence on
behalf of plaintiff. On request, case is adjourned to
10.11.2025 for arguments.***

Date of Order: 27.10.2025 (Hasan Deep Singh Bajwa)

Additional Civil Judge (Senior Division)

UID NO . PB00387”

7. The said order has not been challenged before this Court. The case was thereafter adjourned to 18.11.2025 for arguments and thus, the case is at the final stage. The abovesaid facts clearly show that the petitioner/defendant has made every endeavour to delay the proceedings and has also not paid the rent and in case any indulgence is granted to the petitioner and the ex-parte order is set aside, then same would lead to endlessly delaying the proceedings filed by the respondent-plaintiff. The impugned orders are in accordance with law and deserve to be upheld.

8. The Hon'ble Supreme Court in the case of **“Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil”**, reported as **(2010) 8 Supreme Court Cases 329**, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High



Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

9. Keeping in view the above, this Court is of the opinion that the impugned orders do not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned orders are upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

19.11.2025*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**