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

CR-637-2026

Date of decision: 07.04.2026

Naresh Gulati

...Petitioner

Versus

Ashok Gulati and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kapish Singla, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Challenge in the present revision petition is to the order dated 17.12.2025 whereby the applications filed for setting aside the ex-parte orders dated 25.04.2025 and 26.03.2025 have been dismissed.

2. On 23.01.2026, this Court had passed the following order:-

“Present: Ms.Diksha, Advocate for the petitioner.

Inter alia contends that in the present case, the first date of appearance was 25.04.2025 in a suit for partition which has been filed by respondent no.1 (plaintiff) who is brother of the petitioner and on the said date, the petitioner engaged a lawyer but the said lawyer has not submitted his power of attorney and the petitioner was proceeded against ex-parte. It is submitted that thereafter on 19.05.2025, the petitioner prepared an application under Order 9 Rule 7 read with Section 151 CPC for setting aside the said order dated



25.04.2025. It is argued that although the case was at initial stage but vide order dated 17.12.2025, the said application has been dismissed in toto and even no right has been given to the petitioner to join the proceedings. It is argued that the case is now fixed for filing replication and thus, even issues have not been framed in the present case as yet. It is submitted that for the inconvenience caused to respondent no.1 (plaintiff), the petitioner is ready to pay adequate costs.

Notice of motion to respondent no.1 only for 04.02.2026.

Notice re: stay.

To be shown in the urgent list.

Liberty is granted to the petitioner to serve respondent no.1 through dasti process as well as through counsel in the trial Court.

The petitioner would bring demand draft of Rs.15,000/- as costs to respondent no.1 on the next date of hearing.

It is made clear that in case the petitioner does not bring the demand draft of the abovesaid amount in the name of respondent no.1 on the next date of hearing, then, the present petition would be liable to be dismissed.

January 23, 2026”

3. Thereafter, on 04.02.2026, the following order was passed:-

“Present: Ms. Diksha, Advocate for the petitioner.

In pursuance of order dated 23.01.2026, learned counsel for the petitioner has submitted that she has brought demand draft of ₹15,000/- in the name of respondent No.1, however, in spite of service, none has appeared on behalf of respondent No.1.

Adjourned to 18.02.2026.

To be shown in the urgent list.

The trial Court is directed to give a date beyond the date fixed before this Court.



The petitioner would bring the said demand draft on the next date of hearing.

February 4th, 2026”

4. On 18.02.2026, this Court had passed the following order:-

“Present: Ms.Diksha, Advocate for the petitioner.

None for respondent no.1.

Adjourned to 17.03.2026 for arguments.

To be shown in the urgent list.

The petitioner is directed to bring a demand draft of Rs.15,000/- on the next date of hearing.

Interim order to continue till the next date of hearing. February 18, 2026”

5. On 17.03.2026, this Court had passed the following order:-

“Present:- Mr. Kapish Singla, Advocate for the petitioner.

As per report of the Registry, although respondent No.1 has been served but no one has put in appearance on his behalf.

Adjourned to 07.04.2026.

To be shown in the urgent list.

The petitioner is directed to bring a demand draft of Rs.15,000/- on the next date of hearing.

Interim order to continue till the next date of hearing. 17.03.2026”

6. Even today, no one has appeared on behalf of respondent No.1 who is contesting party and is plaintiff in the suit.

7. Learned counsel for the petitioner has reiterated the arguments raised on 23.01.2026 and has further stated that till date, the issues have not been framed in the present case.



8. A perusal of the impugned order dated 17.12.2025 would show that the applications for setting aside the ex-parte orders have been dismissed although the case is at the initial stage.

9. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that one last opportunity should be granted to the petitioner to file written statement subject to payment of cost of Rs.15,000/-. Accordingly, the present revision petition is partly allowed and the impugned order dated 17.12.2025 qua petitioner/defendant No.1 is set aside with the following directions/observations:-

- i) The petitioner is granted one last opportunity to file written statement on or before 17.04.2026 which is stated to be the next date of hearing before the trial Court.
- ii) The petitioner would deposit an amount of Rs.15,000/- on or before 17.04.2026 before the trial Court and the said amount would be released by the trial Court to respondent No.1-plaintiff. In case the written statement is not filed within the said period and the abovesaid amount is not deposited within the aforesaid period then the present revision petition would be deemed to have been dismissed.

10. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

07.04.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No