

2026:PHHC:075782



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

CR-3925-2026

Date of Decision: 14.05.2026

FATEH SINGH

....Petitioner

Versus

WAZIR SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Baljinder Singh Virk, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

The present civil revision petition has been preferred under Article 227 of Constitution of India by petitioner/defendant No.1 being aggrieved by impugned order dated 23.04.2026, passed by learned Additional Civil Judge (Senior Division), Barwala vide which his application for setting aside order dated 15.02.2019 whereby he was proceeded *ex parte* was dismissed.

2. It is the case of petitioner/defendant No.1 that he was duly served and on the date fixed before the Court defendants No.14 to 18 being family members had assured to look after the case on his behalf, however, one week prior to filing of application on 02.01.2026 petitioner/defendant No.1 came to know that he has been proceeded *ex parte* in the present proceedings. Accordingly, he has sought setting aside of *ex parte* proceedings.

3. Application was opposed by respondents No.1 & 2/plaintiff. It

was asserted that application is highly belated and without any justified cause. That application preferred after six years of passing of the said order, without disclosing just and sufficient cause for not appearing is liable to be dismissed.

4. Learned Court of first instance after considering respective contentions of the parties had concluded that petitioner/defendant No.1 had failed to assign good cause for absence on 15.02.2019 and has failed to file the application within the period of limitation. It was further held that when the case is at a fag end, the attempt by petitioner/defendant No.1 to get *ex parte* proceedings dated 15.02.2019 set aside is only to delay the decision of the case.

5. On consideration, I do not find any error in the conclusion drawn by learned Court of first instance vide impugned order dated 23.04.2026. Admittedly, in the present case, petitioner/defendant No.1 was duly served for 15.02.2019, however, he has not disclosed any just cause for not appearing before the Court. The only excuse taken by him in his application was that he had relied upon defendants No.14 to 18 who being his family members had agreed to appear on his behalf. However, no authorization in favour of defendants No.14 to 18 has been shown along with application to justify the said assertions made by petitioner/defendant No.1. Defendants No.14 to 18 on their own could not have prosecuted the case on behalf of petitioner/defendant No.1 unless petitioner/defendant No.1 had executed any GPA or authority in their favour. Therefore, the cause taken by petitioner/defendant No.1 to get *ex parte* proceedings set aside is a totally made up cause and cannot be held to be just and sufficient to justify recalling of order dated 15.02.2019. The said application therefore, appears

to be an attempt to delay the trial. Moreover, whenever *ex parte* proceedings are sought to be set aside, it is duty of applicant to explain delay by cogent and reliable material, mere self serving statement that applicant came to know recently cannot be accepted.

6. Present revision petition is without any merit, hence is dismissed.
7. Pending application(s), if any, is/are disposed of accordingly.

14.05.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No