



122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3978-2026

Date of Decision:12.05.2026

ICICI Home Finance Co. Ltd.

.....Petitioner

Vs.

Hardik Realtors Pvt. Ltd. and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Rishabh Gupta, Advocate
for the petitioner.

Yashvir Singh Rathor, J. (Oral)

1. This revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 15.10.2024 (Annexure P-6) whereby petitioner/respondent was ordered to be proceeded against ex parte as well as impugned order dated 10.02.2026 (Annexure P.9) whereby application filed by the petitioner for setting aside ex parte order dated 15.10.2024 and subsequent proceedings, has been ordered to be dismissed in the proceedings initiated by the respondents/plaintiffs under Order 39 Rule 2-A CPC bearing CM No.04 of 2024 titled as “Hardik Realtors Vs. ICICI Home Finance Company Ltd”.

2. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with, as it would only delay the proceedings and cause unnecessary expenditure to the respondents.

3. Learned counsel for the petitioner contends that the petitioner was not initially impleaded as a defendant in the suit and the application



under Order 39 Rules 1 and 2 CPC was disposed of vide order dated 13.8.2021. Thereafter, the petitioner was impleaded as a defendant vide order dated 2.2.2023 and subsequently, an application under Order 39 Rule 2A CPC was instituted against the petitioner for violating the order of injunction passed by the Court. Learned counsel next contended that the petitioner has already filed written statement in the main suit but Legal Manager of the Company namely Shri Sachin, who was handling the case left the job in July, 2024 and he had not made entry of the case under Order 39 Rule 2A CPC in the record of the Finance Company as a result of which the new incumbent was not aware of the pendency of the application under Order 39 Rule 2A CPC and it resulted in ex parte proceedings against them vide order dated 15.10.2024. Later on, when they came to know about the ex parte proceedings in the application under Order 39 Rule 2A CPC, the application for setting aside the ex parte proceedings was moved on 6.11.2025. Learned counsel next contended that the trial Court has wrongly dismissed the application without going into the fact that the petitioner did not have the knowledge that it had been proceeded ex parte and he prayed that the impugned order be set aside.

4. Suit was instituted by the plaintiffs/respondents in which petitioner had not been impleaded initially as a defendant. The application under Order 39 Rule 1 and 2 CPC was disposed of on 13.08.2021 and thereafter, petitioner was impleaded as a defendant vide order dated 02.02.2023. Plaintiffs/respondents also moved an application under Order 39 Rule 2-A CPC against petitioner for violating the order of injunction, in



which counsel appeared initially on its behalf and case was adjourned for filing of reply. However, on 15.10.2024, none appeared on its behalf and the petitioner was proceeded ex parte. Thereafter, the application for setting aside the ex parte proceedings was moved on 06.11.2025 with the averments that their previous Legal Manager namely Sh. Sachin had left the job in July, 2021 and he had not made any entry regarding the application under Order 39 Rule 2-A CPC in the records, as a result of which, petitioner did not come to know about the ex parte proceedings. He came to know about it and immediately the application was moved for setting aside the ex parte proceedings. It is well settled that every party should be given an opportunity to get the lis decided on merits. No prejudice will be caused to plaintiffs/respondents, in case, the ex parte proceedings are set aside and plaintiffs/respondents can be compensated in terms of cost for the delay which has taken place.

5. In view of the above, the revision petition is allowed, subject to payment of Rs.5,000/- as costs to be paid to the respondents and the impugned order dated 15.10.2024 is accordingly set aside.

6. Pending miscellaneous application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

May 12, 2026
Renu/Priyanka Thakur

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No