



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

**CR No. 4354 of 2026 (O&M)
DATE OF DECISION: 22.05.2026**

HARJEET KAUR

.....PETITIONER

Vs.

SHASHI SHARMA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr.U.K.Agnihotri & Mr. Anuj Y. Attri, Advocates,
for the petitioner.

AMARINDER SINGH GREWAL, J.(ORAL)

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned order dated 04.05.2026 (Annexure P-7), passed by the learned Additional Civil Judge (Senior Division), Rajpura, whereby an application filed by the petitioner-defendant No. 2 for setting aside the impugned *ex parte* order dated 10.11.2023 (Annexure P-4) has been dismissed.

2. Brief facts of the case are that the contesting respondent No. 1- Shashi Sharma, wife of late Sh. Rameshwar Lal Sharma, had filed a suit for declaration against the present petitioner and proforma respondent No. 2 (Annexure P-1) to the effect that the sale deed dated 07.03.2022 (Annexure P-2), executed by defendant No. 1-proforma respondent No. 2-Harbans Singh in favour of the present petitioner-defendant No. 2-Harjeet Kaur regarding the suit property, is illegal, null and void and also sought other reliefs before the learned Additional Civil Judge (Senior Division),



Rajpura. Notice of the said suit was given to the present petitioner-defendant No. 2 and defendant No. 1-proforma respondent No. 2. As per the interim order dated 10.11.2023 (Annexure P-4), Sh. K.P.S. Bhangu, Advocate, had appeared on behalf of the petitioner-Harjeet Kaur and proforma respondent No. 2-Harbans Singh. On the said date, Sh. K.P.S. Bhangu, Advocate, stated before the learned Additional Civil Judge (Senior Division), Rajpura, that he had no instructions on behalf of defendant No. 2-petitioner. The case was called several times, but none appeared on behalf of the present petitioner and, as such, she was proceeded against *ex parte* and thereafter, the case was adjourned to 19.12.2023 for filing replication.

2.1 Thereafter, the present petitioner moved an application for setting aside the *ex parte* order dated 10.11.2023 (Annexure P-4) before the learned Additional Civil Judge (Senior Division), Rajpura, and notice of the said application was given to the contesting respondent No. 1-Shashi Sharma, who contested the said application by filing reply. The learned Additional Civil Judge (Senior Division), Rajpura, after hearing the respective counsel for the parties, in the impugned order dated 04.05.2026 (Annexure P-7), held that the application for setting aside the *ex parte* order dated 10.11.2023 was filed on 06.04.2026, i.e. after a lapse of almost 2½ years from the date of the *ex parte* order and, as such, dismissed the said application.

3. Learned counsel for the petitioner has contended that since valuable rights of the petitioner are involved in contesting the suit and, moreover, Sh. K.P.S. Bhangu, Advocate, was never authorized to appear



before the learned trial Court and he wrongly appeared on behalf of the petitioner.

3.1 It is further contended that in case the *ex parte* proceedings are not set aside against the present petitioner, serious prejudice would be caused to the petitioner.

4. In view of the facts of the present case, this Court feels that issuance of notice to the respondents would unnecessarily delay the proceedings and, as such, issuance of notice to the respondents is dispensed with.

5. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

6. Keeping in view the above contentions raised by learned counsel for the petitioner and especially in view of the fact that valuable rights of the petitioner are involved in contesting the suit, this Court deems it fit to set aside the impugned order dated 04.05.2026 (Annexure P-7) with costs.

7. Consequently, without making any comment on the actual merits of the case, the present petition is allowed and the impugned order dated 04.05.2026 (Annexure P-7) is hereby set aside. The petitioner is directed to appear before the learned trial Court on the date already fixed, whereupon the learned trial Court shall grant an effective opportunity to the petitioner to file written statement on her behalf.

8. It is, however, made clear that the aforesaid order shall remain subject to deposit of costs of ₹10,000/- by the petitioner with the District



Legal Services Authority, District Patiala. A copy of the receipt regarding deposit of costs shall be produced by the petitioner before the learned trial Court.

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

MAY 22, 2026	(AMARINDER SINGH GREWAL)
nitin	JUDGE
Whether Speaking	Yes
Whether Reportable	No