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

CR-3875-2025 (O&M)

Date of Decision : 23.02.2026

KAVITA AND ORS

.... Petitioners

VERSUS

KARAMVIR PHOGAT

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sushil Sheoran, Advocate for the petitioners.

Mr. Sumit Sangwan, Advocate for the respondent.

ALKA SARIN, J. (ORAL)**CM-3250-CII-2026**

1. This is an application for preponing the date of hearing of the revision petition from 08.05.2026 to an early date.
2. Notice of the application to the counsel opposite.
3. Learned counsel for the petitioners accepts notice and states that he has no objection if the present application is allowed.
4. In view thereof, the present application is allowed and the date of hearing of the revision petition is preponed. With the consent of the learned counsel for the parties, the revision petition is taken on Board today itself.

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5. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 10.03.2025 (Annexure P-6) whereby the application for setting aside the *ex parte* order dated

12.10.2023 filed by the petitioners herein was dismissed and for setting aside the *ex parte* order dated 12.10.2023 (Annexure P-4) both passed by the learned Additional Civil Judge (Senior Division), Charkhi Dadri.

6. On 04.07.2025 the following order was passed :

'Learned counsel for the petitioners would contend that the suit for specific performance was filed against the petitioners and two of the petitioners are minors. Though the service was effected however the learned counsel for the petitioners, relying on Order 32 Rule 3 of the Code of Civil Procedure, 1908, has contended that in case minors were not represented, a guardian ought to have been appointed by the Court.

Notice of motion returnable 29.08.2025.

Meanwhile, proceedings before the Trial Court shall remain stayed'.

7. Learned counsel for the respondent is not in a position to deny the fact that the petitioners are minors and as such a guardian should have been appointed by the Court and that the petitioners could not have been proceeded against *ex parte*.

8. In view of the statement made by the learned counsel for the respondent, the present revision petition is allowed and the impugned order dated 10.03.2025 (Annexure P-6) is set aside. Consequently, the order dated 12.10.2023 (Annexure P-4) proceeding *ex parte* against the petitioners is also

set aside. The Trial Court shall now proceed with the matter in accordance with law.

9. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

23.02.2026
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No