



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

CR-4515-2022 (O&M)

Date of decision:18.05.2026

Rupinder Singh

...Petitioner(s)

Vs.

Bahadar Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Abdul Aziz, Advocate
for respondent No.1.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the petitioner/defendant laying challenge to the order dated 09.05.2018 (Annexure P-3); whereby petitioner was proceeded against exparte; and order dated 06.09.2022 (Annexure P-5); whereby application filed by the petitioner for setting aside order dated 16.7.2018 sic 09.05.2018, has been dismissed.

2. Brief facts of the case in chronological order are as follows: -

15.01.2018: The respondents/plaintiffs had filed a Civil Suit No. 37 dated 15.01.2018 (Annexure P-1) for permanent injunction.

17.02.2018: Petitioner had put in appearance on 17.02.2018 as evident from zimni order (Annexure P-2).



09.05.2018: Vide order dated 09.05.2018 (Annexure P-3), petitioner was proceeded against exparte.

07.07.2022: Petitioner had then moved application dated 07.07.2022 (Annexure P-4) for setting aside the exparte order dated 09.05.2018 – wrongly mentioned as 16.07.2018 in the said application.

06.09.2022: Vide order dated 06.09.2022 (Annexure P-5), application of the petitioner has been dismissed.

3. Hence, present Revision Petition.

4. It is *inter alia* submitted by learned counsel for the petitioner that on 09.05.2018, learned counsel appearing on behalf of the petitioner had pleaded no instructions. Consequentially, petitioner had been proceeded against ex parte. It is submitted that on the said purported statement of learned counsel for the petitioner, learned Civil Judge ought to have issued notice to the petitioner; and could not have proceeded exparte against the petitioner. Thus, grave injustice has been caused to the petitioner as the petitioner had been duly appearing through counsel and he had no idea that learned counsel for the petitioner has pleaded no instructions. It is submitted that upon discovery, petitioner had immediately moved instant application for setting aside the said order.

5. It is accordingly prayed that the present Revision Petition be allowed; and the impugned order be set aside.

6. *Per contra*, learned counsel for respondent No.1 opposes submissions advanced on behalf of the petitioner and submits that petitioner was very well aware of the pendency of the present suit as



petitioner had been duly putting in appearance in another suit pending between the same parties before the Civil Judge (Junior Division), Malerkotla itself. Thus, petitioner cannot plead ignorance of the pendency of the present suit especially in view of the fact that petitioner had put in appearance before the learned Trial Court on 17.02.2018. Accordingly, dismissal of the present Revision Petition is prayed for.

7. No other argument is raised on behalf of Id. counsel for the parties. I have heard learned counsel and perused the case file in detail. I find merit in the submissions advanced on behalf of the respondent No.1

8. It is not disputed that petitioner has first put in appearance through counsel before the learned Civil Judge (Junior Division), Malerkotla on 17.02.2018. However, petitioner had failed to file written statement. On 09.05.2018 (Annexure P-3), Id. counsel for the petitioner had pleaded no instructions. It is the contention of the petitioner that therefore, notice ought to have been issued to the petitioner. That may be so, however, admittedly, present application had been filed by the petitioner only 4 years thereafter on 07.07.2022, meaning thereby that for over 4 years, petitioner had made no efforts whatsoever to find the status of the present civil suit. The said facts are self-speaking and amply reflect the utterly casual, lackadaisical attitude of the petitioner in pursuing the present litigation. The entire fault cannot be laid at the door of the counsel and Court. Duty also lies upon the petitioner to be vigilant towards his right. Whereas the petitioner has failed to discharge his duty to pursue the case with due diligence as required of litigants. In a recent



judgment in **Moddus Media Pvt. Ltd. v. M/s. Scone Exhibition Pvt. Ltd.,**

(Delhi): Law Finder Doc Id # 887148 the Delhi High Court held that:

“11. The litigant owes a duty to be vigilant of his rights and is also expected to be equally vigilant about the judicial proceedings pending in the court of law against him or initiated at his instance. The litigant cannot be permitted to cast the entire blame on the Advocate. It appears that the blame is being attributed on the Advocate with a view to get the delay condoned and avoid the decree. After filing the civil suit or written statement, the litigant cannot go off to sleep and wake up from a deep slumber after passing a long time as if the court is storage of the suits filed by such negligent litigants. Putting the entire blame upon the advocate and trying to make it out as if they were totally unaware of the nature or significance of the proceedings is a theory put forth by the appellant/applicant/defendant company, which cannot be accepted and ought not to have been accepted.”

(Emphasis added)

9. Moreover, it is not disputed that another **Civil Suit No. 357 of 2017** titled as **Rupinder Singh vs. Bahadar Singh** was pending between the parties before the learned Civil Judge (Junior Division), Malerkotla, in which petitioner was admittedly putting in appearance. Thus, petitioner cannot plead that he was not aware of the pending proceedings.

10. Even further, a perusal of application dated 07.07.2022 (Annexure P-4) filed by the petitioner shows that the prayer made therein by the petitioner is for *“Application for setting aside exparte order dated 16.07.2018 against the defendant.”* Needless to say, the said prayer of the



petitioner cannot be granted as petitioner was proceeded against exparte
vide order dated 09.05.2018; and not order dated 16.7.2018.

11. Consequentially, the present Civil Revision stands **dismissed** on
account of the afore-noted facts.
12. Pending application(s) if any also stand(s) disposed of.

18.05.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No