



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

116

CR-1016-2026 (O&M)**Date of Decision: 22.05.2026****LEELA RANI THROUGH LRS**

....Petitioner

V/s

GEETANJALI AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Raminder Singh Joon, Advocate
for the petitioner (through V.C.).

VIKRAM AGGARWAL, J. (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the *ex parte* judgment and decree dated 24.09.2009 (Annexure P-4) passed by the Court of Civil Judge (Junior Division), Ludhiana, order dated 18.01.2019 (Annexure P-7), dismissing the application under Order 9 Rule 13 of CPC and the judgment dated 21.08.2025 (Annexure P-8) passed by the Court of Additional District Judge, Ludhiana, dismissing the appeal against the order dated 18.01.2019.

2. The facts, as emanating from the revision petition are that a suit for possession of a house measuring 73 sq yards (fully described in the plaint) (Annexure P-1) situated at Mauja Peeru-Banda, Tehsil and District Ludhiana by way of specific performance of agreement to sell dated 24.05.2025 was filed by respondent No.1/plaintiff (Geetanjali) (hereinafter referred to as 'the respondent-plaintiff') against one Leela Rani (the petitioners and proforma respondents are legal representatives of Leela Rani).

3. The said suit was decreed *ex parte* vide judgment and decree dated 24.09.2009 (Annexure P-4) by the Court of Civil Judge (Junior

Division), Ludhiana. The petitioner/defendant-Leela Rani had caused appearance before the trial Court and had filed written statement. However, at the time of evidence, no one appeared on her behalf, as a result of which she was proceeded against *ex parte* and consequently the *ex parte* decree was passed.

4. This led to the filing of an application under Order 9 Rule 13 of the Code of Civil Procedure (for short 'CPC') (Annexure P-5) for setting aside the *ex parte* judgment and decree dated 24.09.2009. The stand taken in the application was that the counsel of the petitioner-defendant had never informed her about the proceedings of the case and that she had been proceeded against *ex parte*. It was averred that it was only at the time of the execution proceedings that she acquired knowledge of the *ex parte* judgment and decree having been passed. The said application was opposed by way of a reply (Annexure P-6).

5. Vide order dated 18.01.2019 (Annexure P-7), the Court of Civil Judge (Junior Division), Ludhiana dismissed the said application while holding as under:-

“12. I have considered the rival contentions of the learned counsels for the parties and weighed the oral as well as documents placed on record by the parties. The perusal of the file reveals that the present application for setting aside the exparte judgment and decree dated 24.09.2009 has been filed on dated 13.03.2013 on the ground that the above said exparte judgment and decree came to the notice of the applicant/defendant on dated 17.03.2013 when the bailiff came to the house of the applicant/defendant in order to take the possession of the property in question. Earlier the counsel for the applicant/defendant was appearing on her behalf. But the counsel of the applicant/defendant did not handle the case properly and he did not disclose the actual stage of the

proceedings and due to negligence of the previous counsel of the applicant/defendant, she was proceeded against exparte and ultimately exparte judgment and decree dated 24.09.2009 passed by the Court. It is further alleged by the applicant/defendant even she did not receive the summons. The perusal of the main case file reveals that summons were issued to the applicant/defendant received back duly served. Thereafter Sh. Rakesh Kumar Sabharwal, Advocate has filed the power of attorney on behalf of the applicant/defendant and also filed written statement. Thereafter, the application for grant of interim stay was also decided on dated 18.05.2006 and thereafter when the case was fixed for evidence of the applicant/defendant none appeared on behalf of the applicant/defendant and applicant/defendant was ordered to be proceeded against exparte on 05.06.2007. Further, the perusal of the copy of zimni orders (Ex.R1) of the execution petition proved by the respondent/decree holder also reveals that on dated 28.03.2011 notice issued to the applicant/defendant in the execution petition was also received back duly served which is also admitted by the applicant/defendant in her pleadings. Thereafter, again Sh. Rakesh Kumar Sabharwal, Adv. filed memo of appearance on behalf of the applicant/defendant on dated 25.07.2011 but again on dated 21.12.2011 none appeared on behalf of the applicant/defendant and applicant/defendant was proceeded against exparte.. But the applicant is alleging that Sh Rakesh Sabharwal Adv. did not disclosed the proceedings pending in the court rather he filed memo of appearance on her behalf without her consent and intimation whereas in her cross examination she, admitted that Rakesh Sabharwal Adv. was appearing on her behalf prior to the date when the police official came at the spot take the possession and only thereafter she engaged the new counsel. It clearly proves that Sh. Rakesh Sabharwal Adv. was also authorised by the applicant/defendant to appear in the execution petition and he filed the memo of appearance on her behalf. Meaning thereby

she was well aware about the passing of judgment and decree when she was also served notice in execution petition. However the entire blame for passing of exparte judgment and decree as well as for non appearance in the execution proceedings has been given to previous counsel Sh. Rakesh Kumar Sabharwal, Advocate for not pursuing the case of the applicant/defendant properly. This fact can not be ignored that it has become the tendency of the litigants to blame his/her counsels for adverse orders passed without realizing that a counsel can not conduct the case without proper instructions from the party it also the duty of the litigant to be vigilant of his own rights and expected to be vigilant about the judicial proceeding pending in the court. So the litigant can not be allowed to throw the entire blame on the head of his counsel. Thus the facts and circumstances of the case discussed above clearly highlights negligence and lack of the diligence on the part of the applicant/defendant. Moreover, the present application is also not maintainable being time barred as the same has not been filed within the period of 30 days from the passing of exparte judgment and decree dated 24.09.2009 and subsequent knowledge of the applicant/defendant when she received the summons on dated 03.06.2011. Accordingly all these issues are decided against the applicant/defendant and in favour of the respondent/plaintiff.

RELIEF:

13. In view of my aforesaid discussion, the present application stands hereby dismissed without any order of cost. Memo of cost be prepared. File be consigned to the record room after due compilation.”

6. The petitioner-defendant then filed an appeal against the said decision which too was dismissed vide judgment and decree dated 21.08.2025 (Annexure P-8) by the Court of Additional District Judge, Ludhiana, leading to the filing of the present petition.

7. I have heard learned counsel for the petitioner.

8. Learned counsel for the petitioner, at the outset submitted that in a connected revision petition viz CR No.6916-2025, notice of motion and notice regarding stay has been issued and made a request that notice of motion in the present revision petition be also issued for the said date and the present revision petition be ordered to be heard with the said revision petition.

9. On a query having been put by the Court as to how the other revision petition was similar, it was stated that the revision petition is against the same impugned order. On a further query, it was stated that it has been filed by other legal representatives of Leela Rani. Order dated 26.09.2025 was then taken out from the website vide which notice of motion had been issued in the said revision petition along with notice regarding stay. The said revision petition is stated to be pending.

10. It is, therefore, clear that the legal representatives of Leela Rani have instituted two revision petitions against the same order. The reason for filing the second revision petition is also clear because no stay has been granted in the said revision petition (CR-6916-2025).

11. It is, therefore, a clear abuse of the process of law. On merits, learned counsel has submitted that the impugned decisions are illegal and arbitrary and are not sustainable since the Advocate of the petitioner never informed her about she having been proceeded against *ex parte* and an *ex parte* judgment and decree having been passed.

12. I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit. First of all, the conduct of the petitioner is deprecated. It is a clear cut case of Bench hunting. Otherwise there was no occasion to file another revision petition

once the impugned order had been challenged in CR-6916-2025. Not only this, in the present revision petition, there is no mention of CR-6916-2025 having been filed and only during the arguments, an attempt was made to get the present revision petition listed along with the other revision petition. The file of CR-6916-2025 has also been summoned. The said revision petition has been filed by Vandana Grover, Raman Kumar and Neelam Rani as legal representatives of Leela Rani and Pardeep Kumar and Poonam Rani have been arrayed as proforma respondents, being legal representatives of Leela Rani. In the present revision petition i.e. CR-1016-2026, the petitioners are Pardeep Kumar and Poonam Rani, being legal representatives of Leela Rani and Vandana Grover, Raman Kumar and Neelam Rani are proforma respondents, again being legal representatives of Leela Rani. It, therefore, clearly emerges that two petitions have been filed by two sets of legal representatives of Leela Rani. None of the petition gives any reason as to why the petition has been filed by one set of legal representatives.

13. If this was not enough, both petitions are verbatim. This clearly shows the intention of the petitioner.

14. Coming to the merits of the case, the petitioner/defendant caused appearance before the trial Court and filed written statement as well. Issues were framed and evidence commenced. No one appeared on behalf of the defendant during the course of evidence as a result of which, the petitioner-defendant was proceeded against *ex parte*. Ultimately, the *ex parte* judgment and decree was passed on 24.09.2009. The application under Order 9 Rule 13 CPC was dismissed by disbelieving the version of the petitioner-defendant that she was never informed by her counsel. It was rightly observed that the fact that no complaint had been filed by the petitioner-defendant against her counsel nor any action had been initiated

showed that the stand being taken was false. The appeal was also rightly dismissed on this very ground. Even otherwise, it has been observed that it is a very common *modus operandi* in suits for possession by way of specific performance of agreements to sell and other suits for possession that defendants get proceeded against *ex parte* and after the passing of an *ex parte* decree, they file application/s under Order 9 Rule 13 of CPC and then take the litigation further from there. In the present case also, the petitioner-defendant has succeeded in avoiding the execution of the decree from 2009 till 2026. It is high time such unscrupulous litigants are taken into task.

15. Keeping in view the conduct of the petitioner and the merits of the case, the instant revision petition is dismissed with costs of Rs.2,00,000/- (Rupees Two Lakhs) which shall be deposited with the High Court Legal Services Committee within a period of two weeks from today.

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

A copy of this order be attached in CR-6916-2025 and be also sent to the executing Court as also to respondent No.1 for information.

(VIKRAM AGGARWAL)
JUDGE

May 22, 2026
Mani Kumar

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No