



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

(114)

CR-9770-2025 (O&M)
Date of Decision:-**15.01.2026**

RENAULT YAMUNA NAGAR THROUGH ITS DIRECTOR &
AUTHORISED PERSON ADITYA CHAWLA

... Petitioner

Versus

VIJAY KUMAR MALHOTRA

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Jaskaran Singh, Advocate and
Ms. Gurpalak Kaur, Advocate
for the petitioner.

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VIRINDER AGGARWAL, J. (Oral)

1. At the very outset, it merits emphasis that the petitioner has invoked the extraordinary and supervisory jurisdiction of this Court under Article 227 of the Constitution of India to challenge the legality and propriety of the orders dated 18.09.2025 passed by the learned Additional District Judge, Yamuna Nagar at Jagadhari (Annexure P-1), and 15.01.2020 passed by the learned Civil Judge (Junior Division), Yamuna Nagar at Jagadhari (Annexure P-2). Through the said orders, both Courts have concurrently declined to entertain the petitioner's application under Order IX Rule 13 of the Code of Civil Procedure seeking the setting aside of the *ex-*



parte judgment and decree dated 29.11.2017 (Annexure P-4), as well as the antecedent *ex-parte* order dated 04.11.2016 (Annexure P-3), which formed the very foundation of the decree.

1.1. The petitioner contends that the impugned orders suffer from patent errors of jurisdiction and material irregularity inasmuch as the Courts below failed to appreciate the substantive grounds warranting recall of the *ex-parte* proceedings. It is thus urged that interference of this Court is imperative to secure the ends of justice and to prevent the perpetuation of a manifest procedural injustice.

2. At the very outset, it is necessary to set out the factual matrix giving rise to the present petition. The respondent/plaintiff instituted a civil suit seeking recovery of ₹2,24,372/- along with interest against the petitioner/defendant. On issuance of notice, the management of the petitioner-company was taken by surprise, as no financial or contractual relationship existed between the respondent and the petitioner-company. Upon internal inquiry, it was discovered that Sanjeev Kumar, the accountant of the petitioner, had colluded with the respondent-plaintiff and caused funds to be deposited into the bank account of the petitioner-company without authorization.

2.1. It transpired that Sanjeev Kumar, acting in concert with the respondent, had collected cash from the petitioner's customers and facilitated the deposit of equivalent cheques into the petitioner-company's account, thereby creating a misleading appearance of legitimate transactions. Sanjeev Kumar assured the management of the petitioner that he would reconcile the matter with the respondent and ensure that the civil suit would



be withdrawn. Relying upon these assurances, the petitioner-company, under bona fide and genuine belief that the dispute had been amicably resolved, refrained from appearing before the learned Civil Judge.

2.2. Subsequently, the petitioner came to learn that the suit had not been withdrawn but was, in fact, decreed *ex-parte* vide judgment and decree dated 29.11.2017. In response, the petitioner filed an application under Order IX Rule 13 of the Code of Civil Procedure for setting aside the *ex-parte* order, judgment, and decree. However, after due consideration, the application was dismissed by the learned Civil Judge vide the impugned order dated 15.01.2020.

3. Deeply aggrieved by the concurrent findings and the dismissal of the petitioner's earlier applications, the petitioner preferred an appeal seeking appropriate relief against the orders impugned herein. However, the said appeal was dismissed by the learned Appellate Court vide order dated 18.09.2025, thereby leaving the petitioner with no alternative remedy but to invoke the supervisory jurisdiction of this Court. Consequently, the present civil revision petition has been filed, assailing the legality, propriety, and correctness of the impugned orders and seeking appropriate interference in the interest of justice.

4. I have heard learned counsel for the petitioner at length and have carefully considered the submissions advanced on his behalf. I have also meticulously gone through the entire paper-book with his able assistance, giving due consideration to all the documents, pleadings, and materials placed on record, in order to arrive at a just and informed conclusion in the matter.



5. Learned counsel for the petitioner has vehemently submitted that the petitioner-company, as well as the learned Courts below, have been victims of a deliberate fraud orchestrated by Sanjeev Kumar, the accountant of the petitioner, in collusion with the respondent/plaintiff. It is urged that the impugned *ex-parte* decree, having been obtained by fraudulent means, is vitiated and can be set aside at any stage in the interest of justice. Learned counsel contends that both the trial and appellate Courts failed to take into account the material fact that the petitioner-company was misled and defrauded by its own employee, and, in consequence, did not exercise the jurisdiction vested in them under Order IX Rule 13 CPC and other provisions of law. The petitioner, therefore, seeks the intervention of this Court to rectify the manifest injustice and prevent the perpetuation of the fraudulent decree.

6. At the outset, it is an admitted fact that the petitioner-company duly received notice of the suit instituted by the respondent/plaintiff. Despite such service, the petitioner-company chose not to appear in the proceedings, relying on an assurance allegedly given by one of its employees that the suit would be withdrawn. However, it was incumbent upon the petitioner-company to exercise due diligence and monitor the proceedings once notice was received, irrespective of any assurance from its employee, Sanjeev Kumar, the accountant. Even if the employee had undertaken to reconcile the matter with the respondent-plaintiff, the legal obligation to appear in Court remained with the petitioner-company.



6.1. Thereafter, an *ex-parte* judgment and decree was passed against the petitioner-company on 29.11.2017. The petitioner moved an application under Order IX Rule 13 of the Code of Civil Procedure seeking to set aside the *ex-parte* judgment and decree only on 09.08.2018, which is over eight months after the decree and well beyond the statutory period of 30 days provided for filing such an application. Given that the petitioner-company was duly served and had an opportunity to participate in the proceedings, the Courts below rightly concluded that no sufficient grounds existed to allow the application for setting aside the *ex-parte* judgment and decree. The impugned orders of dismissal, therefore, are legally sound, just, and in accordance with the provisions of law.

7. In view of the foregoing discussion and upon careful examination of the record, it is evident that the Courts below have neither committed any illegality nor acted in a manner that can be said to be perverse. The findings rendered by the trial and appellate Courts are grounded in law and supported by the material on record. Consequently, there exists no justifiable ground for this Court to exercise its revisional jurisdiction. The present petition, therefore, stands dismissed *in limine*, being wholly devoid of merit, with no orders as to costs.

8. However, it is clarified that the observations made here-in-above are not intended, nor should they be construed, as expressing any opinion on the merits of the underlying dispute between the parties. All such observations have been rendered strictly in the context of the present revision petition and are confined solely to the determination of the specific issues arising for consideration herein. The same are intended to guide the



adjudication of the instant proceedings and shall not, in any manner, preclude the competent Court from independently examining and deciding the substantive rights and claims of the parties in accordance with law.

9. Since the principal matter has been adjudicated and stands conclusively disposed of in accordance with the directions and findings recorded herein, all pending miscellaneous applications, if any, connected with or arising out of the main proceedings shall also stand disposed of in consequence, without requiring any further orders.

15.01.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No