



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

CR-4256-2022 (O&M)

Date of decision : 24.03.2025

Mohinder Pal

...Petitioner

Vs.

Om Parkash

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Kumar, Advocate
for the petitioner.

Mr. Munish Gupta, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner assails the correctness of concurrent findings of fact arrived at by the Courts below while dismissing his application under Order IX Rule 13 of the Code of Civil Procedure, 1908, to set aside *ex parte* decree.

2. In a suit for possession by way of specific performance of the agreement to sell *ex parte* decree was passed in favour of the plaintiff on 10.06.2009. The decree-holder filed an execution petition, in which, the petitioner through his counsel entered appearance on 09.01.2010. The execution petition was adjourned to 04.02.2010. However, he again absented. Ultimately, in execution petition, the sale deed was executed on 23.04.2010. The petitioner filed an application on 04.05.2010 for setting aside *ex parte* decree dated 10.06.2009, which has been dismissed by both the Courts below.

3. Learned counsel representing the petitioner does not dispute the



aforesaid factual position. However, he submits that he was not aware of the *ex parte* decree.

4. This Court has considered the submissions made by the learned counsel representing the parties.

5. It is evident that the petitioner appeared through counsel on 09.01.2010. He was required to furnish sufficient explanation for delay in moving an application under under Order IX Rule 13 of the Code of Civil Procedure, 1908, however, he failed.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence the revision petition is dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

24.03.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No