

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

142

2025:PHHC:046283



CR-1329-2025

Date of decision: 04.04.2025

GULAB SINGH

..Petitioner

Versus

MAYA DEVI AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishwajeet Singh, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. In this revision petition, the petitioner namely defendant No.2 assails the correctness of the concurrent orders passed by the Courts below while dismissing his application for setting aside ex parte decree. Smt. Maya Devi filed suit for possession by way of specific performance of the agreement to sell against the appellant, who was defendant No.2 and his brother, who was defendant No.1. Defendant No.1 contested the suit but defendant No.2 (petitioner) did not appear. The suit was decreed on 24.08.2010. The petitioner filed application under order IX Rule 13 of the Code of Civil Procedure, 1908 (in short 'CPC') to set aside ex parte decree, which has been dismissed by both the Courts below. It has been found by the Courts that the petitioner did receive Registered A.D., which bears petitioner's signature. When the petitioner appeared in evidence in the proceedings for setting aside ex parte decree, he denied his signature, however, he did not lead any evidence to prove that the acknowledgment did not bear his signature. The local proclamation was also carried out. The Courts have found that the explanation furnished by the petitioner is neither plausible nor probable.



2. On the request of the Court, learned counsel for the petitioner has produced copy of acknowledgment, which bears the signature of the petitioner. He submit that the petitioner has not signed the same. It was for the petitioner to prove the aforesaid fact, however, he failed.

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

4. Dismissed.

April 04th, 2025

Ayub

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*