



**CR-2389-2025 (O&M)**

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

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**CR-2389-2025 (O&M)**

**Date of Decision: April 30, 2025**

**Krishan Kumar**

**.... Petitioner**

**Versus**

**Poonam and another**

**.... Respondent**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Arun Singal, Advocate for the petitioner.

**NIDHI GUPTA, J. (ORAL)**

1. The present revision petition has been filed by the defendant No.2 against the order dated 18.02.2022 (Annexure P-2) whereby the defendant No.2 was proceeded against ex-parte. The application dated 05.03.2024 (Annexure P-3) filed by the petitioner for '*setting aside the ex-parte order dated 14.10.2021*' was also dismissed vide order dated 02.12.2024 (Annexure P-5). Hence, present revision petition under Article 227 of the Constitution of India was filed.
2. Learned counsel for the petitioner submits that petitioner-defendant No.2, is a labourer and a simple person. It is submitted that he had been conveyed by defendant No.1 that the matter had been compromised between the parties and that the plaintiff will withdraw the suit. It is for this reason that the petitioner had not appeared in the matter. It is only on 01.03.2024 that the husband of the plaintiff had called a Panchayat at the house of defendant No.1 where it was revealed to the petitioner that the case is still pending and has not been withdrawn by the plaintiff. Accordingly, the petitioner had filed the present application dated 05.03.2024 (Annexure P-3) for recalling of the

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order dated 08.02.2022. It is submitted that the house in dispute was built by the petitioner and is owned by him; and therefore, the petitioner shall suffer great loss and injustice if the impugned orders are not set aside.

3. No other argument has been raised by learned counsel for the petitioner.
4. I have heard learned counsel for the petitioner and perused the case file in great detail.
5. Brief facts of the case are that the plaintiff-respondent No.1 had filed the present civil suit on dated 16.9.2021(Annexure P-1), seeking symbolic possession by way of specific performance of agreement to sell dated 21.01.2019 directing the defendant No.1 (respondent No.2 herein) to execute and get registered the sale deed of the suit property as described in plaint.
6. Although, notice was issued to the petitioner but he had failed to appear in the matter. As such he was proceeded against ex-parte vide order dated 18.02.2022 (Annexure P-2). Subsequently, the petitioner had discovered that the matter was still pending and had filed application dated 05.03.2024 (Annexure P-3). A perusal of the said application shows that prayer therein is for '*setting aside the ex-parte order dated 14.10.2021.*'; whereas petitioner had been proceeded against exparte vide order dated 18.2.2022. Clearly therefore, the prayer of the petitioner in the application was wholly incorrect.
7. Moreover, the said application for recall of the order dated 18.02.2022 (Annexure P-2) was filed after a gap of two years and 16 days/ 746 days. However, no application was filed by the petitioner for condonation of delay in filing the application dated 05.03.2024 (Annexure P-3).

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8. The only argument made on behalf of the petitioner is that he had been informed by defendant No.1 that a compromise has been arrived at between the parties and that the plaintiff would withdraw the suit; and it is for this reason that he did not appear in the matter. However, the said argument of the petitioner is unacceptable, besides being vague and general in nature. No dates or time or places have been mentioned as to when and in what manner this information was conveyed to him. Besides it is the duty of the litigant to be diligent in respect of his rights. Thus, even assuming such information was conveyed to the petitioner by defendant No.1, clearly no enquires were made by the petitioner regarding the status of the case. As such no sufficient cause has been shown by the petitioner for setting aside the ex-parte order dated 18.02.2022 or the order dated 02.12.2024. The application filed by the petitioner suffered from material errors as the prayer made therein was incorrect; and the same was not accompanied by application for condonation of delay.
9. In view of the above, the instant revision petition is dismissed.
10. Pending application(s), if any, shall also stand disposed of.

**April 30, 2025**

**( NIDHI GUPTA )**

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**JUDGE**

**Whether speaking/reasoned Yes/No**

**Whether Reportable Yes/No**