



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

CR-6839-2025

Date of Decision: 25.09.2025

MUKESH RANI

....Petitioner

Versus

KANWALJIT KAUR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Gaurav Rana, Advocate and
 Ms. Alisha Sharda, Advocate
 for the petitioner.

Parmod Goyal, J. (Oral)

Petitioner/defendant is aggrieved by impugned order dated 20.08.2025 (Annexure P-13), passed by learned Judicial Magistrate, First Class, Ludhiana, vide which application of applicant for setting aside *ex parte* order dated 16.10.2015 and by allowing to file written statement and lead evidence.

2. Petitioner is aggrieved by the fact that she was allowed to join the proceedings from present date, however, permission to file written statement was not granted. Petitioner is basically aggrieved by this fact. Admittedly, petitioner was duly served being defendant No.1 before the Court of first instance. Mr. P.P.S. Chahal, Advocate, had duly filed his Power of Attorney, however, on 11.07.2025 he made a statement seeking withdrawal of his Power of Attorney (as mentioned in Para No.5 of the impugned order). Thereafter, notices were issued to Mukesh Rana and



accordingly, was proceeded *ex parte* on 16.10.2015. After 10 years petitioner/defendant No.1 through her same counsel Mr. P.P.S. Chahal, Advocate had moved an application for setting aside the *ex parte* proceedings and for allowing her to file written statement and to lead evidence. It is pertinent that Sh. P.P.S. Chahal continued to appear for defendant No.2.

3. Perusal of the application made by petitioner/defendant No.1 goes to show that she has claimed that she had never received summons through registered post and no proper service upon applicant was effected in the present case. She accordingly had sought permission to appear in the present case by setting aside order dated 16.10.2015 and after setting aside the *ex parte* order dated 16.10.2015, it was prayed that she be allowed to file written statement and give evidence in the case.

4. Nowhere in the application any reasons have been stated for not appearing before the Court for last 10 years and the assertions made in Para No.5 that service was never affected, is against record as Mr. P.P.S. Chahal, Advocate had appeared for her and represented in the proceedings. It was on 11.07.2025, he made a statement that his Power of Attorney has been withdrawn as neither defendant No.1 nor her son had come to attend the Court proceedings. There are no reasons given by petitioner as to why she had not approached the Court for 10 years after having knowledge of the case and having appeared through counsel before the Court.

5. To get *ex parte* proceedings set aside, it is mandatory on the part of applicant to show just and sufficient cause for setting aside *ex parte*



proceedings and applicant is bound to file application for setting aside the *ex parte* proceedings within 30 days from the order or from the date of knowledge. The application for setting aside *ex parte* proceedings has been filed in the present case after 10 years without even pleading date of knowledge of *ex parte* proceedings and without showing any cause not to talk about just and sufficient cause. The cause asserted by petitioner has been found to be false that service was not affected. It has been duly noted by learned Court of first instance that petitioner was duly served and was being represented by counsel. Therefore, no fault with the impugned order can be found. Revision petition is accordingly dismissed.

25.09.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No