



CR-6331-2025 (O&M)

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

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**CR-6331-2025 (O&M)
Decided on :- 10.09.2025**

Navrattan Chaudhry

....Petitioner

VERSUS

Asha Mankotia

....Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. S.L.Chander Shekhar, Advocate for the petitioner.

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MANDEEP PANNU J.

1. Present civil revision petition has been filed by the petitioner challenging the ex parte judgment and decree dated 07.09.2021 passed by the learned Civil Judge (Junior Division), Dera Bassi.

2. It has been submitted by the petitioner that two civil suits were instituted almost simultaneously, one by the petitioner on 25.06.2016 and the other by the present respondent on 30.06.2016. During the pendency of these proceedings, the petitioner was unable to appear in the suit filed by the respondent as his daughter and mother had expired in quick succession. Consequently, on 04.08.2018, the petitioner was proceeded against ex parte, and ultimately an ex parte decree was passed against him on 07.09.2021. In contrast, the suit instituted by the petitioner was dismissed in default on account of his absence.

3. The petitioner thereafter filed two separate applications before the learned trial Court, one under Order 9 Rule 4 CPC seeking restoration of his own civil suit, and another under Order 9 Rule 13 CPC seeking to set aside the ex parte judgment and decree dated 07.09.2021. Both applications were filed on the same date. The application under Order 9 Rule 4 CPC was allowed on 01.12.2022 and



the suit filed by the petitioner was restored to its original number. However, the application under Order 9 Rule 13 CPC for setting aside the ex parte judgment and decree dated 07.09.2021 is still pending consideration, and issues have already been framed thereon with liberty to the parties to lead evidence. It is further submitted that vide order dated 02.06.2022, the learned trial Court was directed to decide the application under Order 9 Rule 13 CPC expeditiously but that is not being complied with.

4. I have heard learned counsel for the petitioner and have gone through the record.

5. The contention of the petitioner that pursuant to order dated 02.06.2022 directions were issued to the learned trial Court for expeditious disposal of the application under Order 9 Rule 13 CPC, is not borne out from the record. A reading of the said order reveals that liberty had only been granted to the petitioner to move an application before the trial Court for expeditious disposal, and in the event of such an application being filed, the trial Court was directed to consider the same in accordance with law. There is nothing on record to indicate that the petitioner availed such liberty.

6. Be that as it may, it cannot be ignored that the application under Order 9 Rule 13 CPC has been pending since 21.09.2021, i.e. for nearly four years. The grounds taken in the said application are identical to those already accepted by the trial court while allowing the Order 9 Rule 4 CPC application. In these circumstances, the interest of justice clearly demands that the pending application under Order 9 Rule 13 CPC be disposed of at the earliest.

7. Learned counsel for the petitioner has further attempted to argue on the merits of the application under Order 9 Rule 13 CPC, submitting that the only



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question for consideration therein is whether sufficient cause has been shown by the defendant for his non-appearance, and that this requirement is to be liberally construed. However, this Court is unable to accept the said submission in the present proceedings. The merits of the Order 9 Rule 13 CPC application cannot be adjudicated in this revision petition, since that very application is already pending before the trial Court. The relief sought by the petitioner for setting aside the ex parte judgment and decree is, therefore, not maintainable in the present revision proceedings.

Conclusion

8. In view of the above discussion, the civil revision petition, insofar as it seeks setting aside of the ex parte judgment and decree dated 07.09.2021, is held to be not maintainable as the application under Order 9 Rule 13 CPC is already pending before the learned trial Court. However, keeping in view the fact that the said application has been pending for the last four years and that the application under Order 9 Rule 4 CPC filed on similar grounds has already been decided in favour of the petitioner, this Court considers it just and expedient to request the learned trial Court to dispose of the pending application under Order 9 Rule 13 CPC as expeditiously as possible, preferably within a period of four months from the date of receipt of copy of this order.

9. With these observations, the civil revision petition stands disposed of.

10. Pending application(s), if any, also stand disposed of.

September 10, 2025
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No