



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(133)

CR No.3105 of 2025 (O&M)

Date of Decision: 21.05.2025

Sukhdev Kaur

...Petitioner

Versus

Raman Kumar and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ashish Gupta, Advocate  
for the petitioner.

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**VIKRAM AGGARWAL, J (ORAL)**

The present revision petition assails the order dated 15.01.2025 (Annexure P-6) vide which the application filed by the petitioner along with proforma respondent No.4 for setting aside the order dated 26.11.2020 (Annexure P-3) vide which the petitioner and *proforma* respondent No.4 had been proceeded against *ex parte* was dismissed.

2. The fact, as emanating from the revision petition, are that respondent No.1/plaintiff (Raman Kumar) instituted a suit for specific performance of agreement of sale dated 19.11.2013 against four persons namely Gurpreet Singh (*proforma* respondent No.2), Sukhdev Kaur (petitioner), Dalip Singh and Ranjit Singh (*proforma* respondents No.3 and 4). Summons to the petitioner and *proforma* respondent No.2 were issued for 26.11.2020. Despite having been served, they did not put in appearance, as a result of which they were proceeded against *ex parte* vide order dated 26.11.2020 (Annexure P-3).

3. An application (Annexure P-4) was moved in December 2024 for setting aside the said order dated 26.11.2020 vide which the petitioner and *proforma* respondent No.2 had been proceeded against *ex parte*. The main ground taken was that summons had not been served upon the applicants and that in any case they were not accompanied by a copy of the plaint. It was also averred that no *Munadi* had been affected and the applicant had come to know about the pendency of the case only when he came to Court for some work. The application was opposed by way of reply (Annexure P-5). By way of the impugned order, the application was disposed of. The prayer for setting aside *ex parte* proceedings was declined but petitioner and *proforma* respondent No.2 were permitted to join the proceedings from that stage, leading to the filing of the present revision petition.

4. I have heard learned counsel for the petitioner.

5. Learned counsel for the petitioner submits that the summons issued to the petitioner were not accompanied by a copy of the plaint as a result of which the petitioner and the *proforma* respondent No.2 could not put in appearance. He submits that impugned order is not sustainable. Learned counsel submits that the application deserves to be allowed and the order dated 26.11.2022 deserves to be set aside.

6. I have considered the submissions made by learned counsel for the petitioner.

7. Concededly, petitioner and *proforma* respondent No. 2 were served for 26.11.2020. There is nothing on record to show that the copy of summons were not accompanied by a copy of the plaint. The statement on the summons (Annexure P-2) that a copy of the summons had been served

does not *ipso facto* mean that the summons were not accompanied by a copy of the plaint.

8. Be that as it may, once the petitioner and *proforma* respondent No.2 had been served, there was no occasion for them to not put in appearance before the Court concerned. They were accordingly rightly proceeded against *ex parte* on 26.11.2020. They conveniently waited for a period of four years after which they moved an application for setting aside the said order. This is clearly an attempt to delay the proceedings which cannot be permitted. The trial Court, therefore, rightly rejected the prayer for setting aside the said order and further rightly permitted the petitioner and *proforma* respondent No.2 to join the proceedings from that stage.

9. I do not find any illegality or jurisdictional error in the impugned order warranting interference.

In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed.

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

(VIKRAM AGGARWAL)  
JUDGE

May 21, 2025

Rekha

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No