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

CR-1894-2025

Date of decision: 07.04.2025

Varun Jhamb

...Petitioner

Versus

Guljit Kapur and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Ms. R.K. Grewal, Advocate for the petitioner.

Mr. Karan Nehra, Advocate for respondent No.1.

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**VIKAS BAHL, J. (ORAL)**

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 08.04.2024 (Annexure P-2) vide which the petitioner was proceeded against ex-parte and also the impugned order dated 17.02.2025 passed by the trial Court in Civil Suit No.334 of 2023 titled as “Guljit Kapoor Vs. M/s N.S.J. Automotive Polyplastics”.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner, who is defendant No.2, was proceeded against ex-parte on 08.04.2024 and thereafter, had moved an application for setting aside the said ex-parte order on 29.11.2024. It is submitted that the said application had been illegally dismissed vide order dated 17.02.2025 and the said order deserves to be set aside and the application filed by the petitioner deserves to be allowed. It is argued that in case the petitioner is



not granted an opportunity to file written statement and contest the case, then, irreparable loss would be caused to the petitioner. It is submitted that the petitioner is ready to pay an amount of Rs.5,00,000/- within a period of two weeks from today in order to show his bona fide for settling the dispute.

3. Learned counsel appearing on behalf of contesting respondent No.1, on the other hand, has opposed the present revision petition and has submitted that the petitioner along with other respondents are trying to play hide and seek with the Court and the petitioner never chose to appear in the proceedings in spite of the fact that he was duly served. It is submitted that the case is now fixed for final arguments as respondent No.1-plaintiff had already led his entire evidence and the application for setting aside the ex-parte order was filed after the entire evidence was over and the matter was fixed for final hearing. It is submitted that as per respondent No.1-plaintiff, as on date, total amount of about Rs.1,10,00,000/- is due from the defendants including the petitioner and the said amount includes the amount of about Rs.62,00,000/-, payable as arrears of rent and also an amount of Rs.49,00,000/- on account of electricity charges till the time the said electricity connection was disconnected on account of default by the petitioner.

4. This Court has heard learned counsel for the parties and has perused the paper book and is of the opinion that the impugned orders are in accordance with law, deserve to be upheld and the present revision petition being meritless deserves to be dismissed for the reasons stated hereinafter.

5. It is not in dispute that respondent No.1-plaintiff had filed a suit for recovery of possession and for recovery of arrears of rent along with



interest and damages. The said suit was filed on 24.11.2023. The memo of parties in the said suit, which is apparent from the plaint, annexed as Annexure P-1 with the present revision petition, is reproduced hereinbelow:-

**“IN THE MATTER OF**

***GULJIT KAPUR***

***...PLAINTIFF***

***VERSUS***

***M/S N.S.J. AUTOMOTIVE POLYPLASTICS THROUGH ITS  
PARTNER MR. VARUN JHAMB***

***...DEFENDANTS***

**MEMO OF PARTIES**

***MR. GULJIT KAPUR***

***R/O 49-B, POCKET-A, DDA FLATS,***

***SUKHDEV VIHAR, KALKA JI,***

***NEW FRIENDS COLONY,***

***DELHI-110025***

***...PLAINTIFF***

***VERSUS***

***1. M/S N.S.J. AUTOMOTIVE POLYPLASTICS***

***THROUGH ITS PARTNER***

***MR. VARUN JHAMB***

***AT PLOT NO.17, SECTOR-14, IMT, PHASE-II BAWAL,***

***DISTRICT REWARI, HARYANA-123501***

***PRESENTLY AT***

***FLAT NO.202, TOWER NO.2,***

***AMANGANI HOUSING SOCIETY,***

***GARHI BOINI ROAD, REWARI***

***HARYANA-123110***

***ALSO AT***

***FLAT NO.502, KANHA JI SOCIETY PART-II,***



*SECTOR-3, REWARI, HARYANA-123401*

*ALSO AT,*

*PLOT NO.117, SECTOR-3, HSIIDC GROWTH  
CENTRE, BAWAL, REWARI, HARYANA-123501*

2. ***MR. VARUN JHAMB***

*PARTNER M/S N.S.J. AUTOMOTIVE POLYPLASTICS  
FLAT NO.502, KANHA JI SOCIETY PART-II,  
SECTOR-3, REWARI, HARYANA-123401*

3. ***MR. AMIT KUMAR***

*PARTNER M/S N.S.J. AUTOMOTIVE POLYPLASTICS  
FLAT NO.202, TOWER NO.2,  
AMANGANI HOUSING SOCIETY,  
GARHI BOINI ROAD, REWARI  
HARYANA-123110*

4. ***MS. BARKHA RANI***

*PARTNER M/S N.S.J. AUTOMOTIVE POLYPLASTICS  
FLAT NO.202, TOWER NO.2,  
AMANGANI HOUSING SOCIETY,  
GARHI BOINI ROAD, REWARI  
HARYANA-123110*

*...DEFENDANTS*

*PLAINTIFF”*

A perusal of the above memo of parties would show that the firm had been impleaded as defendant No.1 and had been made as a party through its partner-Varun Jhamb (petitioner). The said Varun Jhamb was also independently impleaded as defendant No.2. The other defendants i.e. defendant Nos.3 and 4 were also stated to be the partners of defendant No.1-firm.

6. Although, all the zimni orders have not been annexed along with the present revision petition but a perusal of the order dated 08.04.2024



(Annexure P-2) would show that defendant Nos.1, 3 and 4 were already proceeded against ex-parte vide order dated 06.03.2024. The zimni order dated 08.04.2024 is reproduced hereinbelow:-

*“Present: Sh. Rewat Sharma, counsel for the plaintiff.*

***Defendants no. 1, 3 and 4 exparte VOD***

*06.03.2024.*

*None for defendant no.2.*

*Fresh power of attorney on behalf of plaintiff filed by Sh. Rewat Sharma, Advocate.*

***Notice issued to defendant no. 2 received back served.***

*Case called several times since morning, but none has appeared on behalf of defendant no. 2, nor any intimation received. It is already 03:00 PM. Further wait is not justified. Therefore, defendant no. 2 is hereby proceeded against exparte.*

*Now to come upon 02.07.2024 for exparte evidence of plaintiff.*

*Date of order: 08.04.2024*

*(Sushma)*

*CJ(JD), Bawal,*

*(UID NO.HR-0399)”*

7. As has been stated hereinabove, defendant No.1-firm was impleaded through its partner Varun Jhamb i.e. the present petitioner and vide order dated 06.03.2024, the said firm had also been proceeded against ex-parte. Even defendant Nos.3 and 4 had also been proceeded against ex-parte vide order dated 06.03.2024. On 08.04.2024, it was specifically recorded that the present petitioner/defendant No.2 had been served but none had appeared on his behalf and thus, was proceeded against ex-parte and the case was adjourned to 02.07.2024. It is not in dispute that thereafter, the entire evidence of respondent No.1-plaintiff had been led and the case



was fixed for final arguments when application dated 29.11.2024 was filed by the petitioner/defendant No.2 for setting aside the ex-parte proceedings. In the said application, the fact that the petitioner had signed on the summon was not disputed. In para 3 of the said application, it was averred that a separate application for setting aside the ex-parte proceedings had been filed on behalf of defendant Nos.1 and 3 which was already pending. Learned counsel for the petitioner has stated that the averments made in para 3 of the application, to the effect that the application for setting aside the ex-parte proceedings on behalf of defendant Nos.1 and 3 was pending is incorrect, inasmuch as, the application for setting aside the ex-parte order dated 06.03.2024 was only filed by defendant Nos.3 and 4 and not by defendant No.1. In either of the two situations, it is apparent that the petitioner along with other partners of the firm are playing hide and seek with the Court. In case defendant No.1, who was being sued through the present petitioner had also filed the application, then in that situation, the petitioner should have filed a consolidated application for setting aside the ex-parte order. In case defendant No.1 has not filed any application for setting aside ex-parte order, in spite of the fact that the said defendant No.1 is represented through present petitioner/defendant No.2 and the present petitioner/defendant No.2 has filed the application for setting aside the ex-parte proceedings, then, the same also shows mala fide on the part of the defendants as it cannot be said that the defendant No.1 is not aware of the proceedings.

8. In reply filed by respondent No.1/plaintiff, it was specifically stated that the petitioner and the other partners were employing tactics to delay the proceedings. It was stated that respondent No.1-plaintiff was a



senior citizen who was 73 years of age and was suffering from various diseases and that the case was fixed for final arguments and the plaintiff had already led his entire evidence. The trial Court, vide order dated 17.02.2025, had dismissed the application filed by the petitioner by observing that the petitioner had admitted the service of the summons and had purposely waited, till the time of closing of the plaintiff's evidence and at the stage of final arguments, moved the present application. It was further observed that the plaintiff was a senior citizen and that the petitioner could not be shown any leniency as he had intentionally and knowingly been evading the proceedings of the Court. However, the trial Court permitted the petitioner to join the proceedings from the stage it had reached i.e., final arguments. The said order is in accordance with law and deserves to be upheld. No party can be permitted to play hide and seek with the Court. Allowing the present revision petition would result in a de novo trial and would thus, cause irreparable loss to respondent No.1-plaintiff by causing endless delay in the suit for recovery filed by him.

9. Keeping in view the above-said facts and circumstances, this Court is of the view that the impugned orders have been correctly passed and are thus upheld and the present revision petition being meritless, deserves to be dismissed and is accordingly, dismissed.

**07.04.2025**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**