



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

(116)

CR-4363-2025 (O&M)
Date of Decision:-**29.09.2025**

Pritpal Singh

... Petitioner

Versus

Surinderjit Singh and Another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Kulwinder Singh, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

The petitioner has invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India by filing the present revision petition, assailing the orders dated 26.02.2021 (Annexure P-5) and 09.02.2024 (Annexure P-6) passed by the learned Additional District Judge, Patiala, whereby the petitioner's application under Order IX Rule 13 CPC was dismissed.

2. It is relevant to note at the outset that the petitioner had filed an application seeking setting aside of the judgment and decree dated 08.01.2016. The learned Civil Judge, Patiala, initially dismissed the said application vide order dated 09.11.2017. Thereafter, the order was set aside by the learned Additional District Judge, Patiala, vide order dated 03.01.2020, remanding the matter for fresh consideration. Pursuant to the directions of the learned Additional District Judge, the Civil Judge



reconsidered the matter and once again dismissed the application on 26.02.2021. Subsequently, the appeal preferred by the petitioner was dismissed by the learned Additional District Judge, Patiala, vide order dated 09.02.2024.

3. Learned counsel for the petitioner has assailed the impugned orders on the ground that the Courts below purportedly failed to exercise the jurisdiction vested in them and did not set aside the *ex-parte* judgment and decree, notwithstanding the fact that the petitioner was allegedly not duly served. A careful examination of the record and the impugned orders, however, indicates otherwise. The application was dismissed primarily on the ground that the petitioner became aware of the *ex-parte* judgment and decree on 13.12.2016, when he appeared as a judgment-debtor in execution proceedings before the Executing Court, whereas the application seeking setting aside of the *ex-parte* decree was filed only on 03.03.2017. This clearly places the filing well beyond the thirty-day period prescribed under law from the date of knowledge of the judgment and decree. The petitioner has failed to demonstrate any sufficient cause or legal ground which would render the conclusions of the Courts below unsustainable. In light of the above, both the Civil Judge and the learned Additional District Judge rightly dismissed the application as barred by limitation. There is, therefore, no infirmity, illegality, or perversity in the impugned orders, and they warrant no interference under the supervisory jurisdiction of this Court. The instant petition, being devoid of any merit, is accordingly dismissed.

5. It is, however, clarified that the observations made here-in-above are not intended to be, and shall not be construed as, an expression of opinion on the merits of the main case. The same are strictly confined to the



limited controversy raised in the present revision petition and pertain solely to the issues deliberated upon for the purpose of adjudicating the instant petition. These observations are made purely for the purpose of addressing the present challenge and are without prejudice to the rights of the parties in the main proceedings.

6. In view of the disposal of the main case, all pending miscellaneous applications, if any, also stand disposed of, as no further purpose would be served in keeping them pending. The parties are accordingly relieved from any further proceedings in respect of such applications.

29.09.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No