



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

(115)

CR-5420-2025Date of Decision:-**13.08.2025**

NAFE SINGH

... Petitioner

Versus

MUKESH KUMAR

... Respondent

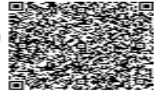
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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Akshay Kumar Goel, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. This revision petition has been filed by the petitioner under Article 227 of the Constitution of India against the order dated 22.07.2025, vide which the application under Order 9 Rule 7 CPC filed by the petitioner was declined.
2. The facts leading to the filing of the application are that the petitioner had been regularly appearing before the Court below. However, on 24.04.2025, he was unable to appear as his counsel was also absent until 13:50 hours, following which the Court passed an order. The petitioner sought to set aside this order by filing an application on the very next date. The learned Additional Civil Judge (Senior Division), Charkhi Dadri, declined the application vide the impugned order, observing that the counsel's absence due to being engaged in another Court did not constitute



sufficient cause for non-appearance, and the applicant failed to specify his own exact whereabouts on that day.

3. In its zeal to expeditiously dispose off the case, the learned Additional Civil Judge (Senior Division), Charkhi Dadri, overlooked settled legal principles. Since the petitioner appeared on the very next date, the Court was obligated to permit the petitioner to join the proceedings at that stage. A perusal of the record reveals that the case was still at a stage where it was when the petitioner was proceeded against ex-parte.

4. Accordingly, considering all the above facts and circumstances, learned Additional Civil Judge (Senior Division), Charkhi Dadri has committed grave jurisdictional error and the order assailed by the petitioner is not sustainable. The revision petition filed by the petitioner is allowed and ex-parte proceedings are set aside.

13.08.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No