



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

119

CR-4102-2025

Date of decision: 17.07.2025

**JASSJEET SINGH AND ANOTHER**

...Petitioners

**Versus****ESTATE OFFICE, UNION TERRITORY OF CHANDIGARH AND  
OTHERS**

...Respondents

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Vikas Kumar, Advocate  
for the petitioners.

Ms. Priyanka Kansal, Addl. Standing counsel  
for respondent No.1.

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**HARPREET KAUR JEEWAN, J.**

1. Present petition has been filed under Article 227 of the Constitution of India impugning the order dated 11.04.2025 (Annexure P-1) passed by the Civil Judge (Junior Division), Chandigarh, whereby an application filed by respondent-defendant No.3 through a Power of Attorney for setting aside the *ex parte* order was dismissed. However, in the present petition, the challenge is to the observations made in para No.5 of the said impugned order, which reads as under:

"Therefore, in the considered view of the Court, though the defendant no. 3 being party to the suit and contentedly being not earlier aware about the pendency of this suit, is liable to be allowed to join the proceedings on the principal of *audi alterem partem*, yet the application of defendant no. 3 is not maintainable on technical grounds, since he seeks to appear through his Power of Attorney Holder Sunil Kumar Gupta, but the Power of Attorney annexed with the application does not pertain to the suit property. Therefore, the application in hand ought to be disallowed on technical grounds."

2. Learned counsel for the petitioners submits that the petitioners-plaintiffs filed a suit for declaration claiming that they are the owners in



possession of the suit property, by way of filing a petition (Annexure P-2). The respondent-defendant No.3 was proceeded against *ex parte* on 01.09.2021, and subsequently, the respondent-defendant No.3 through a Power of attorney filed an application for setting aside the *ex parte* order.

3. A limited prayer has been made by learned counsel for the petitioners that the learned Civil Judge has though dismissed the said application since the power of attorney was not pertaining to the property in question, however, he made the aforesaid observations in para No.5 of the impugned order, which were not required and such observations would prejudice the rights of the petitioners in subsequent petition, if filed any.

4. I have considered the aforesaid submissions and perused the paper-book.

5. Keeping in view the peculiar facts and circumstances of the case, issuance of notice to the respondents is dispensed with.

6. The main application stands dismissed. The observations made by the Civil Judge in para No.5 as aforesaid are not binding to any subsequent application, if filed by or on behalf of respondent No.3.

7. With the aforesaid observations, the present petition is disposed of.

8. However, liberty is granted to the respondents to file an application for recalling of this order, if so advised, since the order is being passed in their absence.

**(HARPREET KAUR JEEWAN)**  
**JUDGE**

**17.07.2025**

P.Bhatt

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