



CR-730-2025(O&M)

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

**CR-730-2025(O&M)  
Date of decision:26.03.2025**

Vicky

..Petitioner

Versus

Nitin and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr.Abhimanyu Singh, Advocate for the petitioner

**ANIL KSHETARPAL, J. (Oral)**

1. The petitioner herein is defendant no.2 in a plaintiff's suit for specific performance of the agreement to sell with consequential relief of permanent injunction. Defendant no.1 namely late Sh.Hari Ram through defendant no.2 entered into an agreement to sell in favour of the plaintiff. The petitioner claims that defendant no.2 has executed a Will in his favour. He was proceeded against ex-parte. His application for setting aside the ex-parte order has been dismissed. He has already joined the proceedings.

2. Learned counsel representing the petitioner submits that he should be granted opportunity to file the written statement. The defendant, who has been proceeded against ex-parte, can be relegated to its original position only if he satisfies the Court that he had sufficient cause for non-appearance or he was not served. It is evident that the trial court has found that the petitioner received the summons through his uncle. He was



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proceeded against ex-parte on 13.09.2016, whereas he filed an application on 17.02.2020 i.e after a period of more than 3½ years.

3. Moreover, the petitioner will inherit the property only after the death of defendant no.2, who is still alive.

4. Keeping in view the aforesaid facts, no ground to interfere is made out.

5. Hence, dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)**  
**JUDGE**

**26.03.2025**

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No