



Seema Sahai vs. Daljit Singh Sahi and others

LPA No. 163 of 2015

24.06.2024 Present: Appellant-Seema Sahai, In person.
Mr.K.D. Sood, Senior Advocate, alongwith
Mr.Het Ram, Advocate, for respondent No.1.
Mr.Saurav Thakur, Advocate, vice Mr.Sarthak
Mehta, Advocate, for respondents No.2 and
3.

CMP No.16588/2023 & CMP(M) No.1560/2023

These applications have been filed on behalf of respondent No.2-Sudesh Dogra and respondent No.3-Urvashi Dogra, for setting aside *ex parte* order dated 18.05.2023 passed against them for their absence in the Court despite service, with prayer for condonation of delay in filing the application for setting aside *ex parte* order. These applications were filed on 03.11.2023. Till date no reply has been filed.

No reply is intended to be filed on behalf of non-applicant/respondent No.1 to these applications, rather it has been submitted that respondent No.1 has been dragged in the litigation unnecessarily for the dispute between non-applicant/petitioner and respondents No.2 and 3.

Appellant, present in person in the Court, has also submitted that she has no grudge against respondent No.1-Daljit Singh Sahi, but being a necessary party for adjudication of the matter his participation is necessary and, therefore, he has been arrayed as party.

Appellant has objected to prayer made on behalf of respondents No.2 and 3 to allow them to participate in the proceedings, on the ground that there has been unnecessarily



delay of 17 years in the matter and respondents No.2 and 3 are intending to delay the matter further and, therefore, they are not entitled to be allowed to join the proceedings in the present appeal. It has been further stated that perjury has been committed by respondents No.2 and 3, for which Court should have taken *suo motu* action against them whereas she has filed the application for registering the complaint and to initiate inquiry in the matter only to facilitate administration of justice and, therefore, in this appeal respondents No.2 and 3 should not be allowed to participate as they chose to remain absent on the date for which they were duly served.

Taking into consideration averments and the prayer made in these applications as well as the fact that any order passed in favour of appellant in the appeal may have adverse effect on the interests of respondents No.2 and 3, we are of the opinion that it would be in the interest of justice to allow respondents No.2 and 3 to participate in present appeal henceforth, but with rider that they shall not unnecessarily delay the proceedings by seeking time for addressing arguments on their behalf.

In view of above, after condonation of delay, *ex parte* order dated 18.05.2023, to the extent vide which respondents No.2 and 3 have been proceeded *ex parte*, is recalled and they are permitted to participate in the proceedings of main appeal in the aforesaid terms.

These applications are allowed in aforesaid terms and disposed of.



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It has been submitted by the appellant that for adjudication of present appeal, record of CROPC No.1 of 2009, titled *Seema Sahai vs. Sudesh Dogra*, Civil Revision No.153 of 2006, titled S.C. Dogra & another vs. Sartaj Construction Ltd., Civil Suit No.4 of 2014, titled *Seema Sahai vs. Sudesh Dogra*, pending before this High Court, and record of Civil Suit No.4-S/1/2014/2017, titled *Sabina Puri & another vs. Sudesh Dogra*, pending before District Judge (Forests) Shimla, H.P., and Civil Suit No.26 of 2011, pending before Senior Civil Judge, Shimla, H.P., is necessary.

Record of cases pending or decided in High Court be made available on next date of hearing.

Necessity of summoning record of cases pending before the District Judiciary shall be considered on the next date.

List for hearing on 10.07.2024.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

June 24, 2024
(Purohit)