

**CR-4120-2026****IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

(115)

CR-4120-2026

Date of Decision:-15.05.2026

Sachin Garg

.....Petitioner

Versus

Sunanda Greentech and Others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

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Present: Mr. Karan Nehra, Advocate  
for the petitioner.

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**AMARINDER SINGH GREWAL, J.**

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 09.04.2026 passed by the learned Additional Civil Judge (Senior Division), Sangrur, whereby the application filed by respondent No.3 under Order IX Rule 7 of the Code of Civil Procedure, 1908 for setting aside the order dated 17.11.2025, proceeding against him ex parte, has been allowed.

2. Brief facts of the case are that the petitioner/plaintiff instituted a civil suit for declaration and mandatory injunction against the respondents/defendants with regard to a commercial showroom/building situated on Mehla Road, Sangrur, which had been leased to the respondents vide lease deed dated 24.06.2024. During pendency of the suit, the defendants initially appeared through counsel on 25.09.2025, but subsequently failed to pursue the matter and on 17.11.2025,

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respondents/defendants was proceeded against *ex parte*. Thereafter, the petitioner led evidence and examined witnesses in support of his case. Subsequently, respondent No.3 filed an application under Order IX Rule 7 CPC seeking setting aside of the *ex parte* proceedings on the ground that he had not been informed by his counsel regarding the next date of hearing. The learned trial Court, vide impugned order dated 09.04.2026, allowed the said application and permitted respondent No.3 to rejoin the proceedings subject to payment of costs. Hence, the present petition.

3. Learned counsel for the petitioner submits that the learned trial Court committed a material illegality in allowing the application at a highly belated stage after substantial evidence had already been led by the petitioner. It has been argued that respondent No.3 had initially appeared through counsel but thereafter deliberately stopped appearing before the Court and was rightly proceeded against *ex parte* on 17.11.2025. It is further submitted that the explanation furnished by respondent No.3 that his counsel failed to inform him regarding the next date of hearing is vague and does not constitute sufficient cause for allowing the said application. Learned counsel further contends that after the *ex parte* order was passed, the petitioner had already examined PW-1, PW-2 and PW-3 and the matter had substantially progressed. Therefore, allowing respondent No.3 to re-enter the proceedings at such a stage has caused prejudice to the petitioner and has unnecessarily delayed adjudication of the suit.

4. I have heard learned counsel for the petitioner and have gone through the paper-book.

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5. In view of the order proposed to be passed, notice is not being issued to respondents as it would delay the proceedings besides entailing additional expenses to the respondent.

6. The principal question which arises for consideration before this Court is whether the learned trial Court committed any material error in allowing the application under Order IX Rule 7 CPC. A perusal of the impugned order reveals that while allowing the application, the learned trial Court observed that an opportunity ought ordinarily to be afforded to a party to contest the matter on merits and that procedural provisions are intended to advance the cause of justice rather than defeat it. In pursuance thereof, costs were also imposed upon respondent No.3. It is a settled proposition of law that procedural rules are handmaids of justice and are not to be construed in a manner that foreclose adjudication on merits, particularly where denial of participation may result in serious civil consequences. The object of Order IX Rule 7 CPC is to afford an opportunity to a party, who had earlier remained absent, to participate in the proceedings upon showing sufficient cause. Though the petitioner has argued that the proceedings had substantially progressed, it cannot be ignored that the suit itself had not reached the stage of final adjudication. Merely because certain witnesses had been examined would not, by itself, operate as an absolute bar against permitting respondent No.3 to participate in the proceedings and contest the suit. The impugned order indicates that the learned trial Court allowed the said application after considering the facts and circumstances of the matter. The contention raised regarding inconsistent stands allegedly taken by respondent No.3 in collateral

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proceedings also does not persuade this Court to interfere with the impugned order. Such aspects relate to appreciation of conduct and merits of the defence and can appropriately be considered by the learned trial Court at the stage of adjudication of the suit. It is further borne out from the record that upon filing of the application under Order IX Rule 7 CPC seeking setting aside of the *ex parte* proceedings, the petitioner/plaintiff did not file any written reply controverting the averments made therein and merely opposed the application during the course of arguments before the learned trial Court. Thus, the learned trial Court proceeded to consider the application on the basis of the material available on record and the submissions advanced before it.

7. In light of the above, the present revision petition stands dismissed, without commenting upon the merits of the case.

8. Pending application(s), if any, also stand disposed of accordingly.

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

**15.05.2026**  
*Shubham*

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|-----------------------------|--------|
| Whether speaking/reasoned:- | Yes/No |
| Whether Reportable:-        | Yes/No |