

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2927/2025

Hari Singh S/o Chiranji,

----Appellant

Versus

Punjab National Bank,

----Respondent

For Appellant(s) : Mr. Aatish Jain

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

14/07/2025

Learned counsel for the appellant submits that on the date when the summons of the suit proceedings were served upon him, he was in the judicial custody in connection with some criminal case, due to which he could not engage any lawyer and an ex-parte judgment and decree was passed.

The court below has dismissed the application filed under Order 9 Rule 13 CPC for setting aside the ex-parte judgment and decree without taking into consideration the material fact that at the time of service of summons, the appellant was in custody.

Issue notices to the respondent/s, returnable within four weeks.

Notice of stay application be also issued.

In the meantime, any execution proceeding for execution of ex-parte judgment and decree passed on 16.04.2015 by the Court of Additional District & Session Judge, Laxangarh, District Alwar in Civil Suit No. 26/2014 shall remain stayed.

(GANESH RAM MEENA),J