CNR No: PHHC011238832026
2026:PHHC:133300

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

124 **CR-5684-2026 (O&M)**
Date of decision: 16.09.2026

Pushpa Rani ....Petitioner

Vs.

Manju Rani ....Respondent

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Jaideep Verma, Advocate
for the petitioner.

*****

HARSH BUNGER J. (Oral)

1. The present civil revision petition has been filed, *under Article 227 of the Constitution of India,* for setting aside the order dated 01.07.2024 (Annexure P-2) and order dated 28.04.2026 (Annexure P-3) passed by the learned Civil Judge (Junior Division), Ludhiana.

2. Briefly, the present respondent/plaintiff (Manju Rani) filed a suit for mandatory injunction against the present petitioner seeking her eviction from a portion. of House No. 60, Street No. 3, Sunil Nagar, Ludhiana, claiming that the present petitioner is a mere licensee therein.

2.1 The present petitioner is the daughter-in-law of the present respondent/plaintiff (Manju Rani). Petitioner states that till the time the petitioner's husband namely Birender Kumar was alive, everything was running smoothly, however, after the demise of her husband (Birender), the attitude of the present respondent/plaintiff (mother-in-law) and the in-laws' family changed, and they started to harass and humiliate the petitioner and

ANKIT
2026.09.17 17:29
I attest to the accuracy and
integrity of this document
High Court, Chandigarh

her children. The petitioner states that she is a housewife and after the death of her husband, she is facing financial constraints.

2.2 It is the case of the petitioner that after she received the summons in the aforesaid suit filed by the respondent (Manju Rani), she engaged a counsel to appear and contest the same.

2.3 According to the petitioner, her counsel had assured that her presence was not required and that he would call her as and when required. It is stated that after some time, the petitioner tried to contact her counsel telephonically to know about the status of the case; however, despite several attempts, the counsel neither attended her calls nor responded to her messages.

2.4 It appears that the learned Trial Court struck off the defence of the petitioner vide order dated 01.07.2024 (Annexure P-2) on account of non-filing of the written statement within the stipulated period.

2.5 Thereafter, the learned Trial Court proceeded with recording of the evidence of the respondent/plaintiff (Manju Rani), however, since nobody appeared on behalf of the present petitioner to cross-examine the witness - Manju Rani (PW-1), accordingly plaintiff's cross-examination was treated as "Nil" vide order dated 28.04.2026, and the matter was adjourned to 20.05.2026 for remaining plaintiff witnesses and also for awaiting the presence of the present petitioner.

2.6 In paragraph No. 7 of the revision petition, it is stated by the petitioner that she has already been proceeded against ex-parte by the

ANKIT
2026.09.17 17:29
I attest to the accuracy and
integrity of this document
High Court, Chandigarh

learned Trial Court on 20.05.2026, although a copy of the said order has not been placed on record.

2.7 It is stated by the petitioner that she has engaged a new counsel before the learned Trial Court, and on 15.07.2026, an application under Order 9 Rule 7 CPC has been filed on her behalf to join the proceedings.

3. In the aforementioned circumstances, the present civil revision petition has been filed before this Court for seeking relief(s) as noticed hereinabove.

4. I have heard learned counsel for the petitioner and perused the paper-book with his able assistance.

5. From the aforementioned facts and circumstances, it is evident that the petitioner has been totally negligent in pursuing the matter. Apparently, the petitioner did not file any written statement to the suit/plaint filed by the present respondent/plainitff (Manju Rani), and her defence was struck off on 01.07.2024 i.e. about two years ago. Thereafter, the trial proceeded and the evidence of the plaintiff - Manju Rani was recorded on 28.04.2026, and even on the said date, nobody appeared on behalf of the petitioner to cross-examine the plaintiff - Manju Rani; accordingly, her cross-examination has been treated as "Nil". Presently, the petitioner stands proceeded against ex parte on 20.05.2026.

6. The only ground sought to be raised by petitioner before this Court is that her counsel was negligent in pursuing the matter.

7. I have considered the aforesaid submission raised on behalf of the petitioner, however, I find no merit in the same.

ANKIT
2026.09.17 17:29
I attest to the accuracy and
integrity of this document
High Court, Chandigarh

7.1 There is no explanation, much less cogent explanation, to show as to why the petitioner has remained absolutely silent for a period of two years, during which her defence was struck off, the cross-examination of the plaintiff - Manju Rani was treated as "Nil", and she (Pushpa Rani) was further proceeded against ex parte. It is not a case where the petitioner was not aware of the pendency of the suit against her.

7.2 It needs no reiteration that a litigant is under a bounden duty to remain vigilant about proceedings initiated against her, particularly when she herself admits to having engaged a counsel. Petitioner cannot be permitted to shift the entire blame upon her Advocate so as to overcome the consequences of her own inaction. Once the petitioner was aware of the pendency of the proceedings, she could not remain dormant thereafter and now seek indulgence of this Court by attributing negligence solely to her counsel. The attempt to place the entire responsibility upon the Advocate is apparently an afterthought and a device to circumvent the legal consequences arising out of the petitioner’s own persistent lack of diligence in pursuing and keeping track of the proceedings, which cannot be countenanced in law.

8. More importantly, the petitioner has offered no explanation as to why she made no independent inquiry regarding status of the case and/or for remaining completely inactive for such a prolonged period despite having knowledge of the pending proceedings and also considering the fact that her counsel was responding to her calls and messages.

ANKIT
2026.09.17 17:29
I attest to the accuracy and
integrity of this document
High Court, Chandigarh

9. Keeping in view the peculiar facts and circumstances of the case, I see no ground to reopen the case at this stage. Resultantly, the present civil revision petition fails and the same is accordingly, ***dismissed***.

10. All the pending application(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

16.09.2026
Ankit

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

ANKIT
2026.09.17 17:29
I attest to the accuracy and
integrity of this document
High Court, Chandigarh