

**SUPREME COURT OF INDIA**

Gurcharan Singh

Vs.

Surjit Singh (D) through LRs

S.L.P.(C) No.7735 of 2010

(K.S. Radhakrishnan and A.K.Sikri JJ.)

22.11.2013

**ORDER**

**K.S. RADHAKRISHNAN, J.**

1. We are of the view that this case raises no substantial questions of law and we are in concurrence with the concurrent decisions rendered by the Courts below. The suit was instituted for performance of an agreement to sell dated 16.3.1993. It was contested by the defendant after filing a written statement. All the parties were given opportunities to lead their evidence. Before the trial Court, during the recording of their evidence, the defendants absented themselves and did not appear in the Court on 19.4.1996, though the case was called several times. Under such circumstances, they were proceeded against ex-parte. The suit was decreed on 24.4.1996. The original defendant died on 20.11.1996. The LRs preferred an application for setting aside ex-parte decree. Both the Courts on facts found no reason to set aside the same. In our view, cogent reasons have been stated for holding so. We, therefore, find no reason to entertain the Special Leave Petition since no question of law arises for consideration. The Special Leave Petition is, accordingly, dismissed.