

HIGH COURT OF CHHATTISGARH, BILASPUR

MA No. 71 of 2015

Lachchu Ram S/o Shriram Aged About 37 Years R/o Village Sukhridabri, Tahsil Bagbahra, Revenue And Civil District Mahasamund Chhattisgarh

---- Appellant

Versus

Munnu Lal S/o Mansha Ram Aged About 35 Years R/o Village Sukhridabri, Tahsil Bagbahra Revenue And Civil District Mahasamund Chhattisgarh

---- Respondent

Shri Pushpendra Kumar Patel, counsel for the appellant/s.
Shri Sunil Sahu, counsel for the respondent.

SB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/10/2015

This appeal is directed against impugned order dated 18/03/2015 by which petitioner's application under Order 9 Rule 13 CPC for setting aside ex-parte decree has been rejected.

2. Assailing correctness of the order, learned counsel for the appellant submits that the Court below, without making proper enquiry with regard to service of notice in accordance with the provisions contained in Order 5 Rule 15 CPC, has rejected his application. The appellant emphatically came out with the statement that notice was not duly served upon him.

3. In order to come to the conclusion that despite service of notice, the appellant failed to appear, the Court below has relied upon service report that the appellant has refused to receive the notice which has been treated as service of notice as also receipt of notice by the wife of the appellant which also confirms proper service of notice under the provisions contained in Order 5 Rule 15 CPC.

4. There is no merit in this appeal. No specific grounds, much less sufficient grounds raised in the application for setting aside ex-parte decree. The order of

the Court below does not suffer from any illegality.

5. The appeal is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Deepti