

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 1569 of 2011 (O/M)
Date of decision : 16.10.2015

Sundri Devi and others

..... Revisionists

Versus

Lal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Kulwant Singh, Advocate, for the revisionists.

Mr. R.S. Mamli, Advocate, for respondents No. 1 to 3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 5.8.2010 (Annexure-P-8), passed by the learned Additional District Judge, Karnal, affirming the judgment and decree dated 8.12.2005 (Annexure-P-7), passed by the learned Civil Judge (Senior Division), Karnal, vide which the application of the plaintiffs under Order 9 Rule 13 of Code of Civil Procedure, 1908 ('CPC') for setting aside the ex-parte decree 28.2.2002 and ex-parte order dated 9.8.1999, was dismissed.

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I have heard the learned counsel for the parties and have also carefully gone through the file.

In this case, there were three defendants. As per the report of the process serving agency, Palla Ram (defendant No. 1) refused the service of notice, but his son accepted the notice on his behalf. It is a valid service. Arjan Singh (defendant No. 3) refused the service. Therefore, affixation was done at his given address, which is also a valid service. So far as another defendant Koul Singh @ Kewal Singh is concerned, he was a deceased and sued through his LRs Surinder and Subhash. Out of these two LRs, Subhash was personally served and, therefore, there was no need to effect service upon second LR i.e. Surinder since the LRs are to represent the deceased. There is no illegality or infirmity in the impugned order, passed by both the Courts below.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

16.10.2015
sjks