

214.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.2101 of 2013 (O&M)

Date of decision: 07.12.2015

Krishan Chand

... Petitioner

versus

Jagmail Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Tarundeep Kumar, Advocate,
for Mr. Rajeev Anand, Advocate,
for the petitioner.

Ms. Prachi Gumber, Advocate,
for Mr. B.S. Jattana, Advocate,
for respondents 1 to 3.

K.Kannan, J. (Oral)

The petition is to challenge an order passed by the appellate court dismissing an application filed for setting aside an ex parte decree passed against one of the defendants. There were several defendants in suit and there was only defendant No.6 who was appearing through counsel and the remaining defendants had been set ex parte. The court noticed that the plaintiff had filed a suit on 03.11.2000 and the plaintiff's side was closed on 09.01.2009. The case had been adjourned for several times and after posting the case on 16.09.2009 for arguments, the court disposed it off. An application for setting aside the ex parte decree was filed by the petitioner on a plea that he had not been actually served. He had

been cited to be residing in the village at Mansa when he was actually a resident at Noida. The court observed that during the cross examination even in the petition filed, he had given his address only at Mansa and only at the time of evidence in court, he gave his reference to the place of residence with reference to kothi number and the sector. The court observed that if service had not been effected, publication was a known method of service under Order 5 Rule 20 CPC and the publication had been effected in Desh Sewak. The court ruled that there were other defendants in the same place and many of whom had been served and under normal circumstances, the defendant ought to have known even if not personally served. A suit filed in the year 2000 to await decision of whether ex parte decree is to be set aside or not for 15 years is an utter travesty of justice. Even in a revision petition filed in the year 2013 the counsel is still not ready and looking for another date by way of adjournment, I give no room to extend the benefit of setting aside the decree. I maintain the order already passed as requiring no interference. Revision petition is dismissed.

(K.KANNAN)
JUDGE

07.12.2015
sanjeev