

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4157 of 2014 (O&M)

Date of Decision.10.09.2015

Dharambir

.....Petitioner

Versus

Madan Lal

.....Respondent

Present: Mr. Sandeep Goyal, Advocate
for the petitioner.

Mr. A.P. Bhandari, Advocate
for the respondent.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The civil revision petition is against the correctness of the order passed by the trial court declining to entertain an application for setting aside ex parte decree. This is the second round of litigation when the parties before this court.

2. The suit for specific performance was decreed after having set the defendant ex parte. An application had been filed to set aside ex parte decree on a plea that there had been no actual service of summons. It was brought out at the time that summons had been received on a person who was a member of the family. His name was Ved Prakash and a resident at the immediate neighbouring building. The matter had come up to the High Court and this Court remanded the matter for fresh consideration of whether the service on Ved Prakash

was sufficient. There had been a contention taken by the petitioner earlier that he did not know any person by name Ved Prakash. On the matter being remanded to the Court below it was brought out that Ved Prakash was the brother of the defendant. The Court found that there was nothing wrong about service of notice on the brother and the defendant was coming with a deliberate false plea that he had not known Ved Prakash at all. The Court found the application had been founded on a false statement and declined to entertain the plea for setting aside ex parte decree. The appeal against the order was dismissed. I do not find there is any error for an intervention in civil revision petition. The petitioner had come to the court with deliberate false plea making it appear as though that he had no connection with a person by name Ved Prakash and when it turned out that it was his own brother and he was trying to set up some other story that the service could not have been effected on his brother and treat the same as sufficient for him as well.

3. There is no merit for fresh consideration. The revision petition is dismissed with costs of ₹3500/-.

(K. KANNAN)
JUDGE

September 10, 2015
Pankaj*