

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

CR No.4356 of 2012 (O&M)

Date of decision : 03.12.2015

Ravi Dutt

...Petitioner

Versus

Gurdass Ram and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. Sanjeev Pandit, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

The petitioner-defendant is aggrieved of the order, whereby application filed under Order 9 Rule 13 and appeal filed against the same, has been dismissed.

Mr. Dadwal, learned counsel appearing on behalf of petitioner-defendant submits, that ex parte judgment and decree, for mesne profits was passed on 04.06.2001. On acquiring the knowledge, the application was filed with promptitude on 04.07.2001. Both the Courts below have erroneously dismissed the application and appeal on the premise that petitioner-defendant has been served through munadi and as well as

registered cover and thus prays for setting aside of the aforementioned orders.

Mr. Sanjeev Pandit, learned counsel appearing on behalf of Decree Holder-plaintiff submits, that no evidence has been produced in support of the contents of the application filed under Order 9 Rule 13, as to whether on the relevant date, when munadi was effected or registered cover was received, the petitioner was serving at Talwara except his, self-serving statement.

I have heard learned counsel for the parties and appraised the paper book.

It was incumbent upon the petitioner-defendant to lead direct and cogent evidence that on the relevant date of effecting the service through munadi or registered post, the petitioner was actually working at Talwara by summoning the employer. In the absence of the evidence, both the Courts below have rightly formed the opinion that the petitioner-defendant had the knowledge of the pendency of the suit and was actually served and intentionally avoided to appear.

Keeping in view the aforementioned reasons, I do not intend to differ with the findings rendered by both the Courts below in dismissing the application.

There is no merit in the petition.

Revision petition is dismissed.

03.12.2015

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**(AMIT RAWAL)
JUDGE**