

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

(118)

CR No.4678 of 2015

Decided on: July 27, 2015.

Harminder Kaur

.... Petitioner

Versus

Sukhdev Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Naveen Batra, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

Vide impugned order dated 21.05.2015 the District Judge, Hoshiarpur has dismissed application under Order 5 Rule 20 CPC for service of the respondent by substitute mode of service on the ground that the petitioner has failed to furnish the complete address of the respondent.

Counsel for the petitioner has submitted that the address of the respondent given in the petition exist on the passport of the respondent and that he has earlier been served in proceeding under Section 125 Cr.P.C by publication at the same address.

Perusal of the order dated 21.05.2015 indicates that the learned District Judge has formed an opinion on the basis of the report and registered envelope that the respondent is not residing at the address as no such address exists. A perusal of the order indicates that only endeavour of the trial Court is to insist on eliciting the correct address of the respondent.

The satisfaction of the learned District Judge cannot be interfered within the revisional jurisdiction so far as his opinion is concerned but at the same time

it is always open to the petitioner to file a fresh application bringing it to the notice of the Court that the address of the respondent given in the petition as well as in the passport and the address which has been supplied to the Court is the actual address of the respondent, known to the petitioner. In case any such application is filed, it will be open to the learned District Judge to form an opinion whether respondent should be served by way of publication, by registered post or by any other mode prescribed under law for service of the persons, residing abroad.

This petition is disposed of with above said liberty to the petitioner.

(M.M.S. BEDI)
JUDGE

July 27, 2015
harsha