

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.4536 of 2014 (O&M)

Date of decision: 11.08.2015

Ranjit Singh

.....Petitioner

versus

M/s Jai Durgay Trading Company and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sushil Kumar Verma, Advocate for the petitioner
Mr.Vikas Kumar, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Petitioner Ranjit Singh has filed this revision against the order dated 19.7.2011, passed by the learned Civil Judge, Junior Division, Sirsa, vide which, his application under Order 9 Rule 13 read with Section 151 CPC was dismissed. Also challenged is the judgment dated 22.4.2014 passed by learned Additional District Judge, Sirsa, vide which appeal filed by the petitioner was dismissed.

In nutshell, the controversy is that the respondent firm had filed a money suit against the present petitioner under Order 37 of Code of Civil Procedure. Report was received that defendant/ present petitioner has refused to accept service of summons. Therefore, ex-parte proceedings were conducted and ultimately the suit was decreed on 24.4.2000. The present application for setting

aside the ex-parte judgment and decree was filed on 1.12.2004.

The contention of learned counsel for the petitioner is that the present petitioner was not personally served and that the requirement of Order 5 Rule 17 CPC was not complied with as the name and address of the witness attesting the same was not mentioned. Therefore there was no proper service.

The perusal of the judgment of the lower Court as well as the appellate Court shows that both the Courts below have held that the present petitioner was duly served. The appellate Court has reproduced the order, vide which he was proceeded against ex-parte, wherein it is noticed that the report of the process server is attested by one witness Dhanna Ram son Gopi Ram, who happens to be 'Chowkidar' of the village and that the copy of the plaint was also affixed on the place of the residence of the defendant. It is not denied that Dhanna Ram was known to the present petitioner also. He is now dead and his son Gurdev Singh was sought to be summoned by the present petitioner. But he did not turn up for cross-examination. Process server was examined in this case to prove that proper service was effected. There are findings of facts by both the Courts below. Thus, there is no ground to interfere in the same.

The revision petition stands dismissed.

11.08.2015
gk

(Kuldip Singh)
Judge