

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5024 of 2015 (O/M)
Date of decision : 10.8.2015

Narinderjit Kaur and another Revisionists

Versus

Vipin Kumar Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Inderpal Singh Parmar, Advocate,
for the revisionists.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 27.4.2013 (Annexure-P-1), passed by the learned Additional Civil Judge (Senior Division), Samrala, whereby the application filed by the present revisionist under Rule 9 Order 13 Code of Civil Procedure, 1908 (in short 'CPC') was dismissed. Also impugned is the order dated 11.2.2015 (Annexure-P-2), passed by the learned Additional District Judge, Ludhiana, whereby the said order was upheld.

The facts of the case show that a suit for recovery on the basis of pronote was filed. In the said suit, Kashmira Singh (since deceased), predecessor-in-interest of the plaintiffs (present

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revisionist) was ordered to be served, but he refused the service. Therefore, he was proceeded against ex-parte and ex-parte judgment and decree was passed on 9.9.2000. It also comes out that subsequently, Kashmira Singh died on 27.4.2007 and the present application was filed on 21.4.2010 for setting aside the ex-parte judgment and decree on the ground that Kashmira Singh was never served. Both the Courts below have taken the view that it is report of refusal and Kashmira Singh did not challenge the ex-parte judgment and decree during his life time.

I find no illegality or infirmity in the impugned orders. It is suit for recovery. The report is of refusal to accept service of summons. There is nothing to show that the report of refusal is false. The authority of this Court in Pritam Singh Versus Raj Kumar, 2013 (4) RCR (Civil) 126 is distinguishable as in the said case, the earlier report was received that defendant is not residing at the given address. No ground to interfere in the impugned order passed by the Courts below is made out.

Consequently, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

10.8.2015
sjks