

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

**Civil Revision No.5775 of 2015
Date of Decision: September 04, 2015**

Dalbir Singh

.... Petitioner

vs.

Ms. Minakshi and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Harish Bhardwaj, Advocate for the petitioner.

- 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)

Impugned in the present revision petition is the order dated 10.07.2015 passed by Civil Judge (Jr. Divn.), Hisar, vide which an application filed under Order IX, Rule 13 CPC for setting aside the ex parte order dated 18.03.2010 and ex parte judgment and decree dated 27.07.2012, was allowed.

Learned Civil Judge (Jr. Divn.), Hisar made the following observations while setting aside the ex parte judgment and decree:

“11. In the facts of the present case, it was quite clear that defendant No.1/applicant namely Minakshi was shown as the resident of Panihari, Tehsil and District Hisar and second address is that of House No.38, Virdi Colony, Raipur, Tehsil and District Raipur, Chhatisgarh. It has come in the

evidence that defendant No.1 Minakshi is residing at Raipur, since 1989. The perusal of the main file shows that initially summons were served at the address of Panihari, Hisar, but when report was come that she was not residing at the present address, then the summons were served through the registered AD at the address of Viridi Colony, Raipur, Chhatisgarh. Registered AD were received back in the court with the report that said Minakshi was not residing at this address. Thereafter, the order of publication in the newspaper was made, but that publication was made in the local newspaper, which is circulated in the Hisar District and at the address of Hisar. It was quite proved that Minakshi was not residing at Hisar and the publication in the newspaper circulated in the Hisar, cannot be termed as due service on the defendant/applicant.”

It goes to show that defendant No.1 was not properly served. Publication was made in the local newspaper, which was circulated in Hisar District only whereas she was stated to be residing at Raipur, Chhatisgarh. Therefore, there is no illegality or infirmity in the impugned order.

Accordingly, the present revision petition stands dismissed.

September 04, 2015
sarita

(KULDIP SINGH)
JUDGE