

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.8254 of 2015
Date of Decision: December 7, 2015

Jaspal Singh (deceased) through L.Rs & others

...Petitioners

Versus

Jaggar Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers 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?

Present: Mr.Rajbir Singh, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

The petitioner-plaintiffs are aggrieved of the order dated 28.8.2015 (Annexure P-3) passed by the Additional District Judge, Chandigarh, whereby the application filed under Order 5 Rule 20 read with Order 6 Rule 14-A CPC for seeking indulgence of the Court to serve respondent Nos. 3, 4, 11 and 12 through substituted service by way of publication, has been dismissed, on the ground that there is already a report that the aforementioned respondents are not available at the given address and a direction has already been given to furnish the correct address as in the absence of the same, publication under Order 5 Rule 20 CPC cannot be effected.

Learned counsel appearing on behalf of the petitioners submits
that before the trial Court also, the aforementioned respondents were

proceeded *ex-parte* and, therefore, the Lower Appellate Court, by invoking the provisions of Order 41 Rule 14 (4) CPC, ought to have dispensed with their service.

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

In my view, there was no exercise on behalf of the petitioner-plaintiffs under Order 5 Rule 20 CPC for getting the aforementioned respondents served as they stated to have been proceeded *ex-parte*. In case the aforementioned respondents have been proceeded *ex-parte*, then the Lower Appellate Court can invoke the provisions of Order 41 Rule 14(4) CPC for dispensing with their service and this exercise can be done at the instance of the petitioners by bringing the aforementioned provisions to the notice of the Lower Appellate Court.

Keeping in view the aforementioned facts, I need not interfere with the order impugned herein. However, the petitioner-plaintiffs are given liberty to invoke the provisions of Order 41 Rule 14(4) CPC for seeking dispensation of their service.

With the aforementioned observations, the revision petition is dismissed.

December 7, 2015
ramesh

(AMIT RAWAL)
JUDGE