

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

**C.R NO.280 of 2003 (O&M)
DECIDED ON : 10.05.2016**

M/s Om Lime Works

...Petitioner

versus

Krishna Gaur and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajesh Goyal, Advocate,
for the petitioner.

Mr. Tapan Yadav, Advocate,
for the respondent.

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?

AJAY TEWARI, J. (ORAL)

This petition has been filed against the order of Appellate Authority rejecting the appeal against ex parte decree.

The contention of learned counsel for the petitioner is that the appeal was wrongly rejected and actually the petitioner was never served. For this purpose, he has reproduced various orders passed by the Court in the grounds of appeal, which are also reproduced herein below :-

"Present : Counsel for the applicant.

Summons of respondent received back unserved. Now respondent be again summoned for 27.11.93 on PF.

Sd/-
SJCI/RWR/24.9.93

Present : Counsel for the applicant.

Registered cover received back. Defendant refused to take the registered cover. Again defendant be summoned through Munadi for 11.2.94 on filing the PF/Munadi fee.

Sd/-
SJIC/RWR/27.11.94

Present : Sh.D.S.Verma, Adv., for the plaintiffs.

The Munadi against the respondent received duly executed but none put in appearance on behalf of the respondent. Case is called several times since morning. It is already 3.40 PM. No further adjournment is justified. Hence, respondent is hereby proceeded ex parte. Now to come upon 3.9.94 for ex parte evidence at own responsibility.

Sd/-
RC/Rewari/30.4.94

Learned counsel for the petitioner states that perusal of the said orders show that neither any direction was issued for

service of the petitioner through registered post at any time, nor was the petitioner ever sought to be served at his residential address. As per learned counsel, the most telling factor in this case is that after obtaining a decree, the respondent waited for six long years to get the decree executed and this is normally done only when there is some hanky-panky.

Learned counsel for the respondent, on the other hand, has argued that once the postal authorities have reported that the petitioner had refused to accept the registered notice, the Court was correct in coming to the conclusion that service has been effected.

To my mind, the determinant in this case is the inordinate time which was taken by the landlord-respondent to get the decree executed. There is no explanation whatsoever as to why the landlord who initiated proceedings against the tenant and got the decree in his favour, would wait for six long years to get the same executed. I find this fact has been completely ignored by the Appellate Authority. In these circumstances, I deem it appropriate to allow this revision petition and to remand the matter back to the Rent Controller, Rewari, for a fresh decision as per law. However, keeping in view the long time which has elapsed, the Rent Controller is directed to decide the case expeditiously. Both learned counsel for the parties have agreed that they would take only two effective opportunities each for leading their evidence. In these circumstances, Rent Controller,

Rewari is directed to decide this case within a period of one year from the date when the parties appear before him. The parties through their counsel are directed to appear before the Rent Controller, Rewari on 30.05.2016.

(AJAY TEWARI)
JUDGE

MAY 10, 2016
shalini