

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3061 of 2016

Date of Decision: 02.05.2016

Ranjit Kaur

... Petitioner(s)

Versus

Harpal Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. Tribhawan Singla, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Article 227 of the Constitution of India to set aside order dated 15.2.2016, passed by learned Civil Judge (Junior Division) (NRI Cases), Jalandhar, whereby application under Order 9 Rule 7 CPC, filed by defendant No.14/petitioner for setting aside the *ex parte* proceedings against her, was dismissed.

Learned counsel for the petitioner submitted that petitioner is residing outside India i.e. Melbourne (Australia) and she was never served at the address given. Petitioner had filed an application for setting aside the *ex parte* order and the application was dismissed vide

impugned order dated 15.2.2016 and the same is liable to be set aside.

Having considered the submissions made by learned counsel for the petitioner; perusal of the record of the case and the impugned order, this Court is of the considered view that the Court below has already considered that the matter relates to the year 2006. Notice was duly sent to the present petitioner (defendant No.14). Thereafter, petitioner was served through substituted service by way of publication at the last known address, which was requirement of the law and as such *ex parte* order dated 16.1.2007 was passed by the Court below and the application under Order 9 Rule 7 CPC, having been filed by the petitioner on 3.2.2016, was rightly dismissed by the Court below.

Accordingly, present petition is without any merit and the same stands dismissed, *in limine*.

(Shekher Dhawan)
Judge

May 02, 2016

"DK"