

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

**C.R. No.4427 of 2016
Date of Decision.15.07.2016**

Jarnail Singh

.....Petitioner

Vs.

Mintu Kumar and others

.....Respondents

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

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AMIT RAWAL J. (ORAL)

The petitioner/appellant-defendant is aggrieved of the impugned order whereby the appeal filed by him has been dismissed for non prosecution and for not having furnished the correct addresses of the respondents.

Mr. Deepak Aggarwal, learned counsel appearing for the petitioner submits that the addresses given in the memorandum of the appeal are the same as have been given in the trial Court. If at all, there was a report of change of addresses, he is inclined to serve them dasti and the appeal should not have been dismissed in the mode and manner it has been done by the lower Appellate Court. Thus, urges this Court to set aside the impugned order.

I have heard learned counsel for petitioner, appraised the paper book and of the view that in order to do justice and prevent the miscarriage of justice, the lower Appellate Court ought not to have passed such a harsh

and stringent order instead of should have granted him opportunity to effect service upon the respondents-plaintiffs by way of alternative mode and means. Since, Mr. Aggarwal, learned counsel for the petitioner undertakes to give correct addresses and obtain dasti summons, I deem it appropriate to set aside the impugned order with aforesaid liberty. On furnishing of the correct addresses within week, the lower Appellate Court shall issue dasti summons for effecting service upon the respondents-plaintiffs.

The revision petition stands disposed of while setting aside the impugned order in the aforementioned terms. For appearance before the lower Appellate Court on 04.08.2016.

(AMIT RAWAL)
JUDGE

July 15, 2016
Pankaj*