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

CR-4605-2016 (O&M)

Date of decision : 23.07.2016

Amarjeet Singh Sidhu and another

... Petitioners

Versus

Chanchal Singh and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Kanwaljit Singh, Senior Advocate with
Mr. Amarjeet Singh, Advocate
for the petitioners.

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?

AMIT RAWAL, J. (ORAL)

The petitioners-plaintiffs are aggrieved of the impugned order dated 01.03.2016 (Annexure P-2), whereby the suit has been dismissed qua defendant Nos.1, 5(i), 5(iii) to 5(vi) on the ground of not collecting the *dasti* summons of the aforementioned defendant(s).

Mr. Kanwaljit Singh, learned Senior Counsel assisted by Mr. Amarjeet Singh, learned counsel appearing on behalf of the petitioners-plaintiffs submits that the trial Court ought not to have passed such a harsh and stringent order instead of should have granted them opportunity to effect service upon the defendants by way of alternative mode and means.

The provisions of Order 5 Rule 9 & 9A CPC could not have been resorted to. He submits that there was a communication gap between the office of

lawyer and the petitioners as the petitioners did not come to know about the order obtaining the *dasti* summons. He further submits that his client is willing to serve the defendants by furnishing the correct address and obtaining the *dasti* summons, in case, one opportunity subject to the condition which this Court may impose is granted.

I have heard the learned counsel for the petitioners-plaintiffs and appraised the paper book and of the view that the approach of the petitioners-plaintiffs had been callous and tardy in obtaining the *dasti* summons. In order to do justice and prevent the miscarriage of justice, I deem it appropriate to grant one effective opportunity to the petitioners-plaintiffs to furnish the correct addresses within a period of one week from today and thereafter, the trial Court shall grant the liberty to the petitioners-plaintiffs to serve the defendant Nos.1, 5(i), 5(iii) to 5(vi) by *dasti* process.

Accordingly, the impugned order dated 01.03.2016 is hereby set aside and the revision petition is allowed.

In case, the aforementioned exercise is not done, impugned order under challenge shall be operative.

23.07.2016
yogesh

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned Yes/ No

Whether Reportable Yes/ No