

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

C.R. No.7909 of 2015

Date of Decision.20.01.2016

Central Warehousing Corporation

.....Petitioner

Vs.

Reliance Retail Limited

.....Respondent

Present: Mr. Vikas Bahl, Senior Advocate with
Mr. Nitish Garg, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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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K. KANNAN J. (ORAL)

1. The plaintiff's suit was decreed ex parte and on application filed by the defendant, the ex parte decree was set aside. The plaintiff's grievance is that the service had been made at the same address where the present applicant was shown to be residing and therefore, the Court ought not to have set aside the ex parte decree. Further contention is that if the decree was to be set aside, the Court at least ought to have ordered some security to be given while setting aside the ex parte decree. None of the contentions was appropriate.

2. The Court has found a reason to set aside on the plea that the notice had not been served on the Managing Director of the respondent company and the service could not be treated as valid service. The suit is for ₹34 lacs and odd and if the trial Court had allowed for a full-fledged consideration of suit which was instituted for

a person to enter contest and go through the trial, it should be taken as appropriate, more so, in a situation where the Court was of the view that the service was not complete in the manner required under law. I will find no reason to interfere with the same, for even the issue of whether any security is to be deposited must be examined only from the context of the nature of claim and if there was any proof that the respondents were trying to make themselves scarce and they had recently disposed of some properties and their conduct did not merit allowing for a decree to be set aside without condition. There are no such circumstances brought for making extraordinary order of compelling a defendant to furnish security for commencement of the trial.

3. I do not think there is a scope for interference. The revision petition is dismissed.

(K. KANNAN)
JUDGE

January 20, 2016
Pankaj*