

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

CR No.6886 of 2016
Date of decision : 18.09.2017

Krishan Kumar

...Petitioner

Versus

Sarista Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Bansal, Advocate for the petitioner.

Mr. Rishabh Gupta, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff is in revision petition against the order passed by the trial Court setting aside the ex parte decree.

Learned trial Court has found that the defendant use to reside in Hyderabad with her ailing husband. Defendant has produced on record the documents i.e. Ration Card, Adhaar Card and Pan Card, to prove the aforesaid fact.

It is not in dispute that the defendant was never personally served. The defendant was served through publication in the newspaper namely Hindustan Times (Hindi) which does not have circulation in Andhra Pradesh.

Taking into consideration the aforesaid facts, the learned trial Court has allowed the application for setting aside the ex parte decree.

For the reasons stated above, I do not find any good ground to interfere with the discretion exercised by the trial Court particularly when it is proved on the file that the defendant was neither served personally nor she had knowledge of the pendency of the suit.

Revision petition is dismissed.

18.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No