

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

RA-CR-171-CII-2017 in
CR No.5620 of 2012
Date of decision : 14.11.2017

Gurjit Singh

...Petitioner

Versus

Harsaroop Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S. Bajaj, Advocate for the applicant/respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Application is for reviewing the order dated 28.07.2017 passed
by this Court.

This Court while deciding Civil Revision No.5620 of 2012 set
aside the orders passed by the Courts below and allowed the application
filed by the Gurjit Singh-defendant in the revision petition under Order 9
Rule 13 CPC granting the opportunity to Gurjit Singh-defendant in the
revision petition to contest the suit on merits.

I have heard learned counsel for the review petitioner. He has
submitted that this Court has relied upon Order 5 Rule 25 CPC as Gurjit
Singh-defendant in the revision petition was found residing out of India.

Learned counsel has submitted that since one of the defendant in the suit was the father of Gurjit Singh-defendant and residing in India taking steps on behalf of Gurjit Singh-defendant, therefore, Gurjit Singh-defendant had an agent in India. Hence, provisions of Order 5 Rule 25 CPC could not be invoked.

I have considered the submission. Father of Gurjit Singh-defendant was one of the defendant in the suit. He had not chosen to appear on behalf of Gurjit Singh-defendant, who admittedly living out of country. Therefore, there is no substance in the submission of learned counsel for the review petitioner.

Learned counsel for the review petitioner has further submitted that in the application under Order 9 Rule 13 CPC, Gurjit Singh-defendant did not plead non-compliance of Order 5 Rule 25 CPC.

In this regard, it is observed that once Gurjit Singh-defendant had filed an application under Order 9 Rule 13 CPC pleading that he was not served in accordance with law, various provisions of CPC would get attracted. Pleadings in the application are not required to be in detail elaborating upon various provisions which have been violated.

Next argument of the learned counsel is that originally the application was filed through one attorney of Gurjit Singh-defendant. However, he did not appear in the witness-box. It is suffice to notice that subsequently Gurjit Singh gave fresh attorney to one Smt. Sushma Rani and Sushma Rani appeared in the witness-box in support of the application.

In view thereof, there is no ground to review the order dated
28.07.2017.

Application is dismissed.

14.11.2017

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**