

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

128

CR No.1658 of 2017

Date of decision: 03.05.2018

Gurbax Singh

..... Petitioner

Versus

Jasbir Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Veneet Sharma, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff No.2-petitioner is in the revision petition against the order dated 21.09.2016 whereby the application under Order 9 Rule 13, CPC for setting aside the ex parte judgment and decree was allowed subject to the payment of cost of Rs.2,000/-. A careful reading of the order passed by the Court establishes that the service thorough local proclamation was wrongly ordered as initially the report was that the address is incomplete. The Court has noticed that the defendant who was proceeded ex parte is a resident of Sultanwind which is a big village. Therefore, the Court wrongly ordered service through proclamation without ensuring the sufficient attempt to serve the respondent by personal service. Further, the order was passed on 21.09.2016 and it is not in dispute that the trial after setting aside the ex parte decree has started.

Hence, there is no scope for interference in the order passed by the learned trial Court.

Revision petition is dismissed.

03.05.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No