

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

CR No.1697 of 2018

Date of Decision:14.03.2018

Alamjit Singh

.....Petitioner

Vs.

Gurpreet Kaur and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Mahir Sood, Advocate for the petitioner.

RAMENDRA JAIN, J. (Oral)

Learned counsel for the petitioner inter-alia contends that the trial Court vide order dated 30.01.2018 had ordered for status-quo in favour of the petitioner till the next date of hearing, i.e. 14.02.2018 subject to compliance of Order 39 Rule 3 of CPC clarifying that in case the defendant would appear and file written statement, the order of status-quo would be recalled. The petitioner in compliance of the said order got effected service upon respondents No.2 to 4, 6 and 7. Summon could not be served upon respondent No.5- Gurmeet Singh @ Vikram Singh for want of correct address, whereas the report qua respondent No.1 came that he was evading his service. Therefore, vide order dated 14.02.2018, respondent No.1 was ordered to be served through munadi and affixation of notice. There was no fault of the petitioner for not effecting service on respondents No.1 and 5. Thus, the observation of the trial Court in the impugned order dated 14.02.2018 that its earlier order dated 30.01.2018 has not been complied with in its letter and spirit by the petitioner, therefore, the interim order of status-quo stands vacated is patently illegal and wrong.

Having given considerable thought to the submissions made by

learned counsel for the petitioner, I find merit in this revision for the simple reason that there was no fault of the petitioner in not effecting service upon all the respondents. The petitioner made all possible efforts to effect service upon them and succeeded in doing so qua respondents No.2 to 4 and 6 and 7. As per report of the process server, respondent No.1 was avoiding his service, therefore, no fault lies with the petitioner. Similarly, service upon respondent No.5 could not be effected for want of his correct address for which also, petitioner cannot be held responsible inasmuch as the trial Court after going through the report of the process server has again issued notice to respondent No.5 on the same address given in the plaint which shows that respondent No.5 was living on the same address.

Since from the overall facts and circumstances, no fault lies with the petitioner- plaintiff, therefore, the impugned order dated 14.02.2018 is set aside and the order dated 30.01.2018 passed by the trial Court ordering status-quo qua possession of the suit property is maintained till appearance of respondents No.1 and 5.

This petition is disposed of without issuing notice to the respondents- defendant with a view to impart justice expeditiously to the parties and to save the huge expenses which may be incurred by him and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within a period of six weeks from today.

March 14, 2018
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(RAMENDRA JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No