

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

**C.R. No.1794 of 2018 (O&M)
Date of Decision: March 19, 2018**

Gurcharan Singh

...Petitioner

Versus

Boota Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. ADS Jatana, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

The short point involved in this civil revision petition, whereby, petitioner/plaintiff Gurcharan Singh has challenged order dated 02.08.2017 Annexure P/7 setting aside ex-parte judgment and decree dated 3.9.2012 Annexure P/3 against respondents.

Upon hearing learned counsel for the petitioner and perusing the records of the case, it is well elicited in the impugned order that summons dated 28.04.2009 were duly sent for the service of then defendants, now respondents which have been proved as Ex.A2 before the Court below and as per the endorsement made thereon which is proved as Ex.A3 along with certified copies of passports Ex.A/5 and A/6 as well reflects in abundance that the defendants at the relevant point of time when the process was sent were residing in Canada and which is also there in the report of the Process Server that the defendants had gone abroad and therefore such a service, if any, upon defendants cannot be termed to be

legal and legitimate one and the same well counters the submissions of the petitioner that the impugned order is bad in law.

In the light of this stand there appears to be no illegality or perversity in the order of the Court below. The revision petition being hopelessly without any merits stands dismissed.

(FATEH DEEP SINGH)
JUDGE

March 19, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No