

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

**CR No.3338 of 2015 (O&M)
Date of decision : March 14, 2018**

Arjun Lal and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ravindra Jain, Advocate for the petitioners.

Mr .Ashwani Kumar Saini, DAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

CM-10374-CII-2015

This is an application for brining on record the legal heirs of deceased-petitioner No.3, who is stated to have died on 19.02.2015.

The legal heirs of deceased-petitioner No.3, whose particulars are mentioned in para No.2 of the application, are otherwise class one heirs. They are allowed to be brought on record.

The application stands disposed of.

Main Case

Impugned in the present revision petition is the order dated 23.01.2015 passed by the learned Civil Judge (Jr. Divn.), Yamnua Nagar at Jagadhri, vide which while deciding the maintainability of the suit for want of notice under Section 80 CPC, 1908, the suit was dismissed as not maintainable, as in the plaint it is not mentioned that the legal notice sent to the defendants was under Section 80 CPC, 1908.

Heard. I have gone through the plaint as well as the legal notice.

Though, in the plaint it is stated that legal notice was sent. However, the copy of that notice attached with the petition shows that the notice was issued under Section 80 CPC, 1908 and the suit was filed after more than two months. The mere omission to mention Section 80 CPC, 1908 in the plaint is no ground to dismiss the suit for want of notice under Section 80 CPC. The impugned order is, accordingly, set aside and the suit is restored to its original number and is ordered to be decided on merits

As such, the present revision is allowed. The connected pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

March 14, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No