

**In the High Court for the States of Punjab and Haryana
at Chandigarh**

**CR No.3423 of 2018 (O&M)
Date of Decision:- 22.05.2018**

Sunita Rani

.....Petitioner

Versus

Neelam Sharma

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Rakesh Khatana, Advocate, for the petitioner.

GURVINDER SINGH GILL, J.

The petitioner-landlord has filed this revision petition challenging order dated 7.8.2017 passed by Additional Civil Judge (Sr. Division), Khanna whereby an application filed by the respondent-tenant for setting aside ex parte order dated 12.2.2015 and ex parte judgment dated 11.3.2015 has been allowed.

The short and precise question involved in the present revision petition is as to whether the respondent had been duly served during the proceedings of the ejectment application. The learned counsel for the petitioner-landlord has submitted that in fact the respondent-tenant had been playing hide and seek and that in fact the respondent-tenant had been watching the proceedings of the ejectment application as well as of the execution petition. The learned counsel has drawn the attention of this Court to a copy of summons issued to the respondent-tenant in ejectment proceedings i.e.

Annexure P-6 which had been duly served upon the respondent-tenant on 10.7.2015. The learned counsel submits that though it is apparent that the service of respondent-tenant in the said execution proceedings had been effected on 10.7.2015 but in fact the respondent-tenant had already moved an application for inspection of record before the lower Court on 7.7.2015 as would be evident from Annexure P-8 and which is clearly indicative of the fact that the respondent-tenant was fully in knowledge about the entire proceedings.

I have considered the aforesaid submission.

It will not be out of place to mention here that a copy of the summons in respect of the ejectment proceedings, which are purported to have been served upon the respondent-tenant on 7.2.2015 have also been annexed with the revision petition as Annexure P-5 and which also bears the signatures of respondent-tenant Neelam Sharma. A perusal of the signatures existing on both the aforesaid summons show that both the signatures are absolutely different. While in summons in respect of ejectment application, the words 'Neelam' and 'Sharma' have been written separately with space in between, in summons pertaining to execution proceedings i.e. Annexure P-6 the same has been written with a running hand as one word. It also will not be out of place to observe here that signatures of Neelam Sharma as existing in the copy of application for setting aside the ex parte proceedings, annexed with this revision petition as Annexure P-10 resemble with the signatures affixed on summons Annexure P-6 which had been issued for effecting service of respondent-tenant during the course of execution proceedings but do not tally with the signatures on summon Annexure P-5 which had been issued for effecting service in respect of the ejectment application. The distinction is so

marked so as to be visible even to the naked eye.

I further find that the tenant had got the disputed signatures examined from hand-writing expert and who has given a categoric opinion that the said signatures are forged.

In view of the aforesaid position, I do not find any valid reason to interfere with the aforesaid finding of the learned lower Court and the same are hereby affirmed.

Finding no merit in the revision petition, the same is hereby dismissed.

The learned Rent Controller, Khanna is however directed to make endeavour to expedite the proceedings of the ejectment application and decide the same preferably within a period of one year.

May 22, 2018
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No