

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR No.355 of 2018  
Date of decision:16.02.2018

Malwinder Kaur

... Petitioner

Vs.

Kuldeep Singh and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

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

**AMIT RAWAL J. (Oral)**

The present revision petition is directed against the order dated 06.12.2017 (Annexure P-4), whereby, an application under Order 6 Rule 14-A of Code of Civil Procedure, moved by petitioner-defendant no.1, has been rejected.

Mr. Ravinder Sharma, learned counsel appearing on behalf of petitioner-defendant No.1 has drawn the attention of this Court to the memo of parties of impugned order dated 06.12.2017 (Annexure P-4) to submit that the Court should not have issued the notice to other party in the absence of any compliance of aforementioned provisions which is mandatory requirement of law, for the purpose of entertaining the suit. Since the Court below has rejected the application on the ground that the defendants have appeared, therefore, the application was not maintainable. He submitted that assuming for an argument sake, in case decision of the suit is either way, aggrieved party would file the appeal with the same memo of parties and the

problem would again arise.

I have heard the learned counsel for petitioner-defendant no.1, appraised the paper book and of the view that the aforementioned apprehension expressed by Mr. Sharma is fair and justified. For the sake of brevity, provisions of Order 6 Rule 14-A CPC read as under:-

**“14A. Address for service of notice.-**(1) Every pleading, when filed by a party, shall be accompanied by a statement in the prescribed form, signed as provided in rule 14, regarding the address of the party.

(2) Such address may, from time to time, be changed by lodging in court a form duly filled up and stating the new address of the party and accompanied by a verified petition.

(3) The address furnished in the statement made under sub-rule (1) shall be called the “registered address” of the party, and shall, until duly changed as aforesaid, be deemed to be the address of the party for the purpose of service of all processes in the suit or in any appeal from any decree or order therein made and for the purpose of execution, and shall hold good, subject as aforesaid, for a period of two years after the final determination of the cause or matter.

(4) Service of any process may be effected upon a party at his registered address in all respects as though such party resided thereat.

(5) Where the registered address of a party is discovered by the court to be incomplete, false or fictitious, the court may, either on its own motion, or on the application of any party, order—

(a) in case where such registered address was furnished by a plaintiff, stay of the suit, or

(b) in case where such registered address was furnished by a defendant, his defence be struck out and he be placed in the same position as if he had not put up any defence.

(6) Where a suit is stayed or a defence is struck out under sub-rule (5), the plaintiff or, as the case may be, the defendant may, after furnishing his true address, apply to the court for an order to set aside the order of stay or, as the case may be, the order striking out the defence.

(7) The court, if satisfied that the party was prevented by any sufficient cause from filing the true address at the proper time, shall set aside the order of stay or order striking out the defence, on such terms as to costs or otherwise as it thinks fit and shall appoint a day or proceeding with the suit or defence, as the case may be.

(8) Nothing in this rule shall prevent the court from directing the service of a process at any other address, if for any reason, it thinks fit to do so.”

I have come across in many cases that the suit with incorrect or vague addresses are being entertained by the Courts below, i.e., Civil Judges, in the States of Haryana, Punjab and Chandigarh and the cases are lingered for numerous years for the purpose of effecting service. This is one of the grounds creating pendency in the Courts below and the Lower Appellate Court or the High Court as registry of this Court do not accept the appeals with a different address which does not commensurate with the address given in the certified copy of judgments of Courts below.

In view of such facts and circumstances, I am of the considered view and deem appropriate to dispose of the present petition while exercising the powers under Article 227 of the Constitution of India by issuing a direction to all the concerned District & Sessions Judges of Punjab, Haryana and Chandigarh to sensitize the officers with regard to strict compliance of provisions of Order 6 Rule 14-A CPC in order to avoid any future complications.

Let this order be communicated to all the District and Sessions Judges of Punjab, Haryana and Chandigarh through Registrar General of this Court and seek report with regard to compliance.

Revision petition stands disposed of.

(AMIT RAWAL)  
JUDGE

February 16, 2018

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No