

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

**CR No.4352 of 2018
Date of Decision: 12.07.2018**

M/s Arun Bhatta Co. and another Petitioners

Versus

Jage Ram ... Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Jatinder Nagpal, Advocate
for the petitioners.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioners have assailed the order dated 12.09.2017 passed by Civil Judge (Junior Division), Panipat, dismissing the application under Order 9 Rule 13 read with Section 151 CPC as well as the order dated 28.03.2018 passed by the Additional District Judge, dismissing the appeal filed against the order dated 12.09.2017 passed by Civil Judge (Junior Division), Panipat.

[2]. Plaintiff Jage Ram filed a suit for recovery of Rs.5,44,000/-. The said suit was decreed ex parte vide judgment and decree dated 12.02.2016. Plaintiff was held

entitled to recover an amount of Rs.4,87,000/- along with interest @ 9 % from the date of filing of the suit till final realization of the amount.

[3]. Defendant No.1/petitioner was proceeded against ex parte on 15.09.2014 after number of efforts made by the process server to serve defendant No.1/petitioner on 02.04.2014, 10.03.2014, 14.03.2014, 01.04.2014 and 14.04.2014 (Exs. A-5 to A-11). Even in the report dated 10.03.2014, reference of son of the petitioner namely Pulkit found mentioned who was served with the process of the Court and who ultimately refused the same. Petitioner was served on his residential address i.e. House No.432-L, Model Town, Panipat. This address was shown as his first address in all the documents including agreement between the parties.

[4]. As per requirement of Order 5 Rule 15 CPC, service of the adult member of the family is sufficient. Petitioner has not refuted the service of summon on his son Pulkit as neither Pulkit has been examined, nor the process server has been examined. For all abundant caution, publication was ordered to be made and thereafter, notice was published in the Newspaper 'Dainik Chetna' on 06.09.2014. The said newspaper has been duly approved by the High Court for publication purposes.

[5]. In view of attending facts and circumstances of the

case, there is no scope for interference in the present revision petition. The present revision petition is accordingly dismissed.

July 12, 2018
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No