

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

CR no.6226 of 2018

Date of Decision: 19.11.2018

Punjab State Civil Supplies Corp. Ltd. and another ...Petitioners

Vs.

M/s Sandhu Rice Mill and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Gursimranjit Singh, Advocate,
for the petitioners.

Amol Rattan Singh, J (Oral)

On 08.10.2018, the following order had been passed:-

“Though otherwise there would be no fault to be found with the impugned order passed by the trial court, in view of the fact that despite sufficient opportunities granted to the petitioners-plaintiffs for submitting the fee for publication of notice by way of substituted service, it was not submitted, however, the petitioners being a public sector undertaking and therefore the suit for recovery obviously pertaining to public money, let notice be issued to the respondents, returnable on 19.11.2018.

Process *dasti* as well.

To be shown in the urgent list.”

The report of the Registry is to the effect that the notices issued have been received with the comment that as regards respondent no.1, the mill stands closed and as regards respondents no.2 to 6, who are stated to be the partners in the firm that is impleaded as respondent no.1, their addresses are incomplete.

As a matter of fact, it is seen that the addresses of respondents no.2 to 6, as given in the memo of parties, are that of the Mill

itself/respondent no.1.

That being so, with the respondents also not appearing before the trial court, in my opinion it would be appropriate to allow this petition.

It is seen that an application under Order 5 Rule 20 of the CPC had also been allowed by the trial court but eventually the suit was dismissed on account of non-deposit of publication fee by the petitioner-corporation.

Learned counsel for the petitioner points to the application filed by it before the trial court seeking restoration of the suit, wherein it is stated that the counsel for the petitioner-plaintiff had informed one Robin Goyal, who was the Assistant Accountant pursuing the case of the petitioner-plaintiff, to deposit the amount required but he remained absent from duty for a long time, consequent upon which one Dilbagh Singh, Senior Assistant, was temporarily appointed in his place, who did not know the aforesaid facts.

Though it is difficult to believe even in the aforesaid circumstances that nobody at all was pursuing the case and that counsel for the petitioner-plaintiff before the trial court did not inform any higher authority with regard to the fact that publication fee had to be deposited, however, as already noticed in the previous order of this Court, the petitioner being a public sector corporation with public money being involved, the suit being one seeking recovery from the respondents, this petition is allowed and the impugned order is set aside, subject to the condition that the publication fee for effecting substituted service upon the respondents is deposited by the petitioner within three weeks from today.

Upon such fee being deposited, the suit shall be restored to its original status by the trial court, after which fresh notices shall be issued as regards the suit itself, which would also be by way of substituted service, with the petitioner already having deposited the publication fee as directed herein

above.

19.11.2018
vcgarg/dinesh

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : Yes
Whether reportable : Yes