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

CR No. 6268 of 2018

Date of Decision: 18.09.2018

Ajaib Singh

....Petitioner

Vs

Balwinder Singh

.....Respondent

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

Present: Ms. Sukhpreet Kaur, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

Petitioner is the decree holder. At one point of time in the execution proceedings, judgment debtor appeared through Mr. R.S. Sandhu, Advocate who has filed memorandum of appearance. Thereafter, the said Advocate did not appear nor the judgment debtor appeared at any point of time. He was sought to be served by means of fresh summons repeatedly but in vain. Though no application for substituted service was filed by the decree holder, but still one chance can be given to the decree holder to effect service upon judgment debtor by means of substituted service.

Learned counsel for the petitioner undertakes to file an application under Order 5 Rule 20 CPC within two weeks.

In the event of filing such an application, the Executing Court shall proceed to take steps to serve the judgment debtor-respondent in accordance with law.

The aforesaid indulgence is subject to payment of costs of Rs.10,000/- to be deposited with the Registrar General of this Court, who shall further deposit the same in Kerala Chief Minister's Distress Relief Fund towards relief to Kerala flood victims.

Payment of costs shall be the condition precedent for granting indulgence by the Executing Court in the aforesaid context.

Disposed of.

18.09.2018

Jyoti Yadav

**(RAJ MOHAN SINGH)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No