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

CR No. 4640 of 2017

Date of Decision: 08.03.2019

Laxmy Devi

-Petitioner

Vs

Harbans Kaur

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vineet Sehgal, Advocate,
for the petitioner.

Mr. N.S. Dhillon, Advocate,
for the respondent.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has challenged the order dated 07.07.2014 passed by Civil Judge (Senior Division), Panchkula whereby the petitioner was proceeded against exparte and the order dated 21.01.2017 passed by the same Court whereby the application for setting aside order dated 07.07.2014 was dismissed.

Perusal of the record would show that the petitioner was allegedly served by way of munadi. Prior thereto, petitioner was sought to be served and the summons issued to her were received back with the report that the petitioner had refused to take the summons and thereafter, affixation was done.

Aforesaid mode of service if appreciated in the

context of Order 5 Rule 15 CPC and Order 5 Rule 17 CPC would give rise to debatable background.

Learned counsel appearing on behalf of the respondent very candidly submitted that the order dated 07.07.2014 passed by the trial Court for proceeding ex parte against petitioner be set aside and he has no objection in case, petitioner is permitted to contest the suit in accordance with law.

In view of aforesaid, impugned orders dated 07.07.2014 and 21.01.2017 passed by the trial Court are hereby set aside.

Normal consequences to follow.

08.03.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No