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

**Civil Revision No.6587 of 2018
Date of Decision: 11.01.2019**

**PIARA LAL (DECEASED) THRU HIS LRS
.....Petitioners**

Vs

**JARNAIL SINGH AND ORS
....Respondents**

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

Present: Mr. Ramesh Chand Sharma, Advocate
for the petitioners.

Mr. Manmeet Singh Rana, Advocate
for the caveators/respondents.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 12.07.2018 passed by the Civil Judge (Jr. Divn.) Phagwara, vide which ex parte judgment and decree dated 09.06.2012 passed by the Addl. Civil Judge (Sr. Divn.) Phagwara was set aside.

[2]. Perusal of the impugned order would show that the process server allegedly effected service upon defendants namely Karnail Singh, Jarnail Singh, Maan Singh and Lakhvir Singh all sons of Joginder Singh on the identification of Darshan

Ram chowkidar, who appeared as AW-3 before the trial Court. Darshan Ram AW-3 allegedly identified Jarnail Singh, who was not in India on the relevant date. The trial Court with reference to passport Ex.A-5, copy of renewed passport Ex.A-6 & Ex.A-7 held that Jarnail Singh was not present in India and the statement of Chowkidar namely Darshan Ram AW-3 was not trustworthy.

[3]. It was held by the trial Court that the entire process of the trial has to commence *de novo* against defendants No.117 i.e. Jarnail Singh, therefore, ex parte proceedings against remaining three respondents/ defendants No.118, 119 and 121 were set aside as well because statement of Darshan Ram AW-3 was found to be not trustworthy and the process server was not examined.

[4]. In my considered opinion, the indulgence granted by the trial Court in the context of setting aside the ex parte proceedings/judgment and decree passed against defendants No.117, 118, 119 and 121 cannot be faulted with. This revision petition is found to be totally devoid of merits and the same is accordingly dismissed.

January 11, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No