

In the High Court of Punjab and Haryana at Chandigarh

239

CR No. 6920 of 2017

Date of decision:11.12.2019

HARJEET KAUR AND ORS

.....petitioners

Versus

SUKHRAJ SINGH AND ORS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Kanwar Pahul Singh , Advocate,
for the petitioners.

Mr.Ashish Gupta, Advocate
for respondents No.1 to 3.

Mr.R.K.Sharma, Advocate
for respondents No.4 and 5.

Mr.Rajesh Hooda, Advocate
for respondent No.6.

RAJ MOHAN SINGH, J.(oral)

Petitioners have assailed the order dated 9.12.2016 passed by the Civil Judge (Jr.Divn.), Amritsar vide which the suit was dismissed qua defendants No.4 to 6 (respondents No.1 to 3 herein) for want of correct addresses. Even the application filed for restoration of suit by seeking review of order dated 9.12.2016 was also dismissed by the trial Court vide order dated 6.7.2017. Both the orders are under challenge.

Petitioner No.1 is mother of respondents No.1 to 3.

Petitioners No.2 and 3 are sisters of respondents No.1 to 3.

Learned counsel for the petitioners submitted that the petitioners and the contesting respondents are collaterals and the suit was dismissed qua defendants No.4 to 6 (respondents No.1 to 3) for want of correct addresses under Order 9 Rule 5 CPC. The factum of order of dismissal of the suit qua defendants No.4 to 6 could not be ascertained as the Reader of the Court only informed about the adjourned date. Subsequently also, the Advocate appeared on eight occasions, but the factum of dismissal of suit qua defendants No.4 to 6 could not be known. The correct addresses of defendants No.4 to 6 were given in the plaint itself and in the event of no service, the plaintiffs could have asked for substituted mode of service.

During the course of arguments, learned counsel for the petitioners pointed out that in the present revision petition, respondents No.1 and 2 have been served on the addresses shown in the suit itself. This fact has not been disputed by learned counsel for respondents No.1 to 3.

Learned counsel for respondents No.1 to 3 fairly states that there were no other addresses of respondents No.1 to 3 except the addresses shown in the plaint. Learned counsel very candidly submitted that the impugned orders be set aside subject to payment of adequate costs.

Keeping in view the inter se relationship between the

parties and the nature of challenge made by the plaintiffs-petitioners in the suit, I deem it appropriate to quash the impugned orders. There shall be no costs keeping in view the nature of inter se relationship between the parties and the nature of the suit filed by the plaintiffs.

Petition stands disposed of accordingly.

December 11, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No