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

**Civil Revision No.1249 of 2019
Date of Decision: 22.02.2019**

JAGPREET SINGH

.....Petitioner

Vs

PARAMJIT SINGH AND ORS

....Respondents

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

Present:Mr. Vishal Aggarwal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. This petition has been preferred against the orders dated 10.01.2018 and 10.08.2018 passed by the Civil Judge (Jr. Divn.) Ludhiana, vide which suit of the plaintiff/petitioner was dismissed qua defendants No.1 and 2 and application for restoration of the suit was also dismissed.

[2]. Brief facts are that the plaintiff filed a suit for mandatory injunction directing defendants No.1 and 2 either to get the sale deed executed in respect of suit property in favour of the plaintiff and defendant No.3 from Punjab Mandi Board or to execute the sale deeds of the booth in question in favour of the plaintiff and defendant No.3 on receipt of balance sale consideration after

getting the sale deeds of the said booth executed and registered in their favour from Punjab Mandi Board. Permanent injunction was also sought restraining the defendants No.1 and 2 from alienating the booth in favour of any other person except the plaintiff and defendant No.3.

[3]. Notices issued to defendants No.1 and 2 could not be served as the summons were received back with the report of house being locked. Vide order dated 31.08.2016, satisfaction was recorded by the trial Court that defendants No.1 and 2 cannot be served by means of ordinary process. They were ordered to be served by way of *munadi* and affixation. Thereafter *munadi* charges were to be deposited by the plaintiff in accordance with law.

[4]. Order dated 21.10.2016 passed by the trial Court would show that *munadi* charges were not deposited. Plaintiff was directed to deposit the same within five days and thereafter defendants No.1 and 2 were to be served by way of *munadi* and affixation for 13.11.2016. Thereafter on 09.01.2017, it was recorded that *munadi* charges were not deposited by the plaintiff. The same were ordered to be deposited within five days and thereafter defendants No.1 and 2 were to be served by way of *munadi* and affixation by 18.03.2017. *Munadi* charges were not deposited even thereafter and it was so recorded in the

orders dated 18.03.2017 and 29.04.2017.

[4]. Thereafter for some time, talks regarding amicable settlement between the parties remained in offing. Compromise was not effected and the case was again listed for further proceedings. Plaintiff was again directed to deposit the *munadi* charges within five days for the purposes of serving defendants No.1 and 2 by means of *munadi* and affixation. The order was passed on 03.10.2017 and last opportunity was granted to the plaintiff to do the needful for the service of defendants No.1 and 2. Even thereafter, the needful was not done.

[5]. Vide order dated 30.11.2017, further time of five days was given for depositing the *munadi* charges as concessional opportunity subject to payment of costs of Rs.200/- to be deposited in District Legal Services Authority. The case was adjourned to 10.01.2018. On 10.01.2018, also needful was not done. The trial Court finding no alternative dismissed the suit qua defendants No.1 and 2 under Order 9 Rule 2 CPC. The application for restoration of the suit was also dismissed by the trial Court vide order dated 10.08.2018. That is how the aforesaid orders have been assailed in this revision petition.

[6]. Perusal of the record would show that the plaintiff was afforded numerous opportunities for depositing *munadi* charges. Last opportunity was granted vide order dated 03.10.2017 and

thereafter concessional opportunity was also granted to the plaintiff subject to payment of costs of Rs.200/-.

[7]. It appears from the record that the orders were passed in the presence of learned counsel for the plaintiff and the factum of direction in respect of deposit of *munadi* charges were in the knowledge of the plaintiff on each occasion.

[8]. In view of above, owing to the conduct and callous attitude of the plaintiff, I do not find any justification to interfere in the impugned orders passed by the trial Court. This revision petition is accordingly dismissed.

February 22, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No