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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/4/2019 14:23
I attest to the accuracy and
authenticity of this document

CR-2292-2019 (O/M)
Date of decision : 4.4.2019

Allahabad Bank Petitioner (s)
Versus
Sh. Jackson Goel and another Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Swaich, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Heard.

The learned counsel for petitioner contends that plaintiff petitioner-bank had filed a suit for recovery of Rs. 4,99,783/- against two defendants. Two addresses of defendant No. 1 were given and six addresses of defendant No. 2 were given for effecting service. Defendant No. 2 refused service and he was ordered to be served through munadi. However, correct address of defendant No. 1 was not filed. Consequently, vide order dated 21.4.2014 (Annexure-P-2), suit was dismissed under Order IX Rule 2 CPC, 1908. An application was filed on 3.5.2014 to recall said order. However, said application (Annexure-P-3) was also dismissed on 3.9.2016 (Annexure-P-4) on the ground that copy of application has not been filed. Another application dated 5.9.2016 (Annexure-P-5) filed to recall said order was also dismissed, vide order dated 16.1.2019 (Annexure-P-6).

I have gone through the interim orders. Apparently, there is fault on the part of plaintiff in not supplying correct address of defendant No. 1. Defendant No. 2 refused service, however, he was ordered to be served through munadi. The suit is for recovery of Rs. 4,99,783/-. The petitioner can be penalized for lapse on its part. Since it is public money

and considering the nature of case, the technicalities should not stand in the way of justice. As such, impugned orders dated 21.4.2014, 3.9.2016 and 16.1.2019, passed by trial Court, are hereby set aside, however, subject to payment of cost of Rs. 50,000/-, for causing delay, to be deposited in the District Legal Aid Fund, Chandigarh.

Disposed of.

(KULDIP SINGH)
JUDGE

4.4.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No