

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

Sr. No.202

CRM-M-38722-2014

DECIDED ON: March 11, 2019

BALJIT SINGH

..PETITIONER

VERSUS

JASWINDER KAUR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sarju Puri, Advocate, for the petitioner.

Mr. Tarundeep Kumar, Advocate for
Mr. D.S. Pheruman, Advocate,
for respondent No.2.

Mr. A.S. Salar, Advocate,
for respondent No.3.

Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks quashing of impugned order dated 05.11.2014 (P-4) passed by learned Additional Sessions Judge, Hoshiarpur.

The petitioner is the complainant. He had filed a complaint against the respondents under Sections 418, 420, 423, 466, 465, 467, 468, 471, 34 IPC but the same was dismissed vide order dated 20.03.2013 (P-1). Against the said order, a revision petition was filed and the said revision petition against respondent No.3 was dismissed vide order dated 05.11.2014 (P-4) as the petitioner had failed to serve him despite taking a number of dates.

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Learned counsel for the petitioner submits that the last known address of respondent No.3 had been supplied but he had been transferred meanwhile and the factum of transfer was not known to the petitioner. Thus, he could not be served. Before this Court, he has been served by way of a dasti process and now he is aware of the proceedings. In case, the impugned order dated 05.11.2014 (P-4) is set aside, he can appear before the Revisional Court and argue the matter on merits.

Counsel for respondent No.3 states that the impugned order dated 05.11.2014 (P-4) does not deserve to be interfered with as despite taking a large number of opportunities the petitioner could not serve him. There is no illegality in the impugned order and therefore, the petition deserve dismissal.

The only ground of dismissal of the revision petition qua respondent No.3 was the inability of the petitioner to serve him despite a number of opportunities having been granted to the petitioner. Now, respondent No.3 stands served and he has knowledge of the pendency of the revision petition. Thus, substantial justice demands that the impugned order dated 05.11.2014 (P-4) be set aside so that parties may appear before the Revisional Court and argue the matter on merits.

The revision petition is accordingly allowed and the impugned order dated 05.11.2014 (P-4) is set aside. The parties shall appear before the Revisional Court on 25.03.2019, for further proceedings.

March 11, 2019

Ankur

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No

(SUDHIR MITTAL)
JUDGE