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

CR No. 2837 of 2019

Date of Decision: 02.05.2019

Shilpa Khanna Sahi

-Petitioner

Vs

Raja Sahi

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Munisha Gandhi, Sr. Advocate, with
Mr. Viraj Gandhi, Advocate, and
Mr. Adarsh Dubey, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioner has challenged the order dated 04.04.2019 passed by Principal Judge, Family Court, Panchkula vide which the prayer to serve the respondent through e-mail, whatsapp mechanism was dismissed.
2. Respondent is living abroad i.e. in U.S.A. He could not be served by means of ordinary and *dasti* process.
3. Petitioner seeks to serve the respondent on his e-mail address i.e. trueblue00001@yahoo.com and raja.sahi@pixellogicmedia.com.
4. According to Order 5 Rule 25 CPC, where the defendant resides outside India and has no agent in India

empowered to accept service, the summon shall be addressed to the defendant at the place where he is residing. Service can be effected by post or by such courier service as may be approved by the High Court by fax message or by Electronic Mail Service or by any other means as may be provided by the rules made by the High Court.

5. As per High Court Rules and Orders i.e. Volume IV, Chapter 7-B, service of process to the other party can also be effected through electronic means where the party has furnished the requisite details.

6. Perusal of the aforesaid High Court Rule i.e. Volume IV Chapter 7-B, Rule 1 (iii) shows that electronic mechanism is also one of the recognized mode of service for USA where service can be done by appointing a local lawyer acting as agent for the parties and the Indian Consular Officer will recommend any Advocate made in that context.

7. For all abundant caution, the petitioner has also attempted to serve the respondent through an Advocate in America. Mr. Ataolah A. Shaouli, Advocate was appointed to do the needful. The Advocate made four attempts on different dates i.e. 14.10.2018, 15.10.2018, 16.10.2018 and 17.10.2018 to serve the respondent personally. Reports made by the Advocate on the aforesaid dates were summed up in para no.3 of the

letter issued by the Advocate to the petitioner.

8. For ready reference, the reports are detailed as under:-

*“ . October 14, 2018, at 8.07 a.m;
Results: Door was answered by an African-American female, in her late 20s, who informed me that she was staying here and did not know when Raja Sahi will return, thereby confirming he lives there and was merely out of the house for some time. She also confirmed that Raja Sahi's girlfriend Valentina Zapatta also lives at the same address.*

*. October 15, 2018, at 8.35 p.m;
Results: No response was received at the door.
There was no lock on the door.*

*. October 16, 2018, at 9.40 a.m;
Results: No response was received at the door.
Waited until 10.10 a.m. (thirty minutes total), no one answered the door during this time, even though there was no lock on the door.*

*. October 17, 2018, at 7.41 a.m;
Results: No response was received at the door.*

Waited until 8.41 a.m. (sixty minutes total).

Once again, no one answered the door during this time, no lock on the door.”

9. Perusal of Order 5 Rule 25 CPC coupled with aforesaid High Court Rules and Orders would make the petitioner entitled to serve the respondent through Electronic Mail Service.

10. Since the issue itself is regarding service of the respondent, therefore, no notice can be issued before decision.

11. In view of aforesaid factual position, I deem it appropriate to accept the prayer of the petitioner for effecting service upon respondent by means of Electronic Mail Service on e-mail address i.e. trueblue00001@yahoo.com and raja.sahi@pixellogicmedia.com.

12. Let the needful be done by the trial Court.

13. Disposed of.

02.05.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No