

CR No.5936 of 2019
Date of Decision: 24.09.2019

Dr. Vrinda Sharma

.....Petitioner

Versus

Dr. Rohit Kalia

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Raman Mahajan, Advocate
for the petitioner.**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition is filed for issuance of direction to the learned trial Court, Chandigarh in HMA Case No.960 of 2018 for effecting service upon the respondent at U.S.A under Order 5 Rule 25 CPC and amended High Court Rules and Orders contained in Volume IV, Chapter 7-B, Rule 1 (iii) through Electronic media on two email addresses and two phone numbers of the respondent as furnished by the petitioner for service for 01.11.2019 i.e. the date already fixed by the trial Court, as all other modes have been availed.

It is contended that in spite of best efforts of the petitioner and having availed all modes of service, the respondent could not be served, where he lives and works as Doctor in USA. The petitioner had even deposited the requisite amount required for overseas service of the summons. It is further stated that the respondent has no agent in India empowered to accept service of the summons. The various efforts made to serve the respondent are detailed in the petition itself. The last report of ABC Legal Services, Process Serving Agency, the documents could not be

“3/27/2019 4:01 PM : per BERRY JONES, PERSON IN-CHARGE, a brown-haired white male contact approx. 55-65 years of age, 5'10"-6.0" tall and weighing 160-180 lbs; subject no longer employed. Defendant has not been employed by this hospital since July 2018. He was last known to live in Fort Mill, SC.”

The petitioner finally moved an application dated 25.08.2019, which has been placed on record as Annexure P-4 for service on the respondent through electronic media. However, the trial Court has simply kept the application pending for the date fixed before it i.e. 01.11.2019. In case the said application was allowed on the day it was listed, the respondent could be served for the date already fixed. Postponing the passing of the order will result in loss of precious time of the party. As per the High Court Rules and Orders, 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. Electronic mechanism is one of the modes of the service for USA. Therefore, there is no impediment in the way of the Court to allow the present revision petition. Since the respondent has yet to be served and the petition is also for service, there is no necessity for issuing any notice before disposing of the present revision petition.

Accordingly, the present revision petition is allowed and the petitioner may effect service upon the respondent by means of electronic mode service on email addresses and cell phone numbers as provided in para 12 of the petition for the date already fixed by the trial Court. The proof of the same after serving be placed on record of the trial Court.

24.09.2019
sandeep

(NIRMALJIT KAUR)
JUDGE