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

CR No. 14346 of 2018 (O&M)
Date of Decision: 03.07.2019

Jaspal Singh @ Pal Singh

-Petitioner

Vs

Mohinder Singh

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.P. Kaushal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

1. In the application under Order 9 Rule 13 CPC, issue was framed to the effect: *"Whether the applicant was not properly served in the original suit."*

2. The onus of the said issue was on the petitioner. Except examining himself as AW1 and one Gurdip Singh as AW2, petitioner has not led any evidence to show that he was not properly served.

3. On the other hand, respondent himself has appeared as RW2 and got examined RW1 Surjit Singh and Process Server Gurmeet Singh as RW3.

4. Execution of report Ex.R1 has been duly proved by the Process Server which was duly witnessed by Chowkidar-Surjit Singh RW1.

5. The onus of the issue was on the petitioner himself.
6. Admissibility of report Ex.R1 has not been rebutted by the petitioner by leading any expert evidence to show that he was not the signatory on the said report.
7. Both the Courts below have found that the petitioner was having knowledge about the case. Even otherwise, the application has been filed beyond the period of limitation as prescribed under Section 123 of the Limitation Act.
8. No indulgence can be granted in favour of the petitioner.
9. This revision petition is found to be totally devoid of merits and the same is accordingly, dismissed.

03.07.2019

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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