

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

-.-

**C.R No. 7790 of 2019
Date of decision: 05.12.2019**

Rakesh Kumar

... Petitioner

Vs.

Chuhar Singh & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. Naveen Batra, Advocate, for the petitioner.

ALKA SARIN, J.

The present petition has been filed by the plaintiff-petitioner challenging the orders dated 23.08.2019 and 16.11.2019 by virtue of which the suit qua defendants No. 13, 15 to 17, 23, 24, 26 to 29 and 35 has been dismissed for non-deposit of the publication fee. The plaintiff-petitioner has filed a suit for exclusive possession by way of partition of the suit land.

Learned counsel for the petitioner submits that the defendants qua whom the suit has been dismissed, are necessary parties, inasmuch as the suit is for partition, he further submits that there are 35 co-sharers alongwith the plaintiff-petitioner as per the revenue record.

Notices were issued to the defendants in the suit and during the course of the proceedings, it transpired that defendants No. 13, 15 to 17, 23, 24, 26, 29 to 35 could not be served through ordinary process and, therefore, an application was made for substituted service by way of publication.

Learned counsel for the petitioner submits that though the matter was adjourned on 16.07.2018 and 20.10.2018 to await the publication qua defendants No. 13, 15 to 17, 23, 24, 26, 29 to 35. Vide orders dated 29.05.2019 and 24.07.2019, two opportunities were granted to the plaintiff-petitioner to deposit the fee towards publication but the same could not be done as the

and eventually his mother expired on 31.10.2018.

Learned counsel for the petitioner prays for one last opportunity to deposit the publication fee on the ground that omission on the part of the petitioner to deposit publication fee was unintentional and that he be granted one last opportunity.

I have heard learned counsel for the petitioner and I deem it appropriate to grant one last opportunity to the petitioner to deposit the publication fee within 10 days of receiving a certified copy of the order, failing which the present revision petition would be deemed to be dismissed. The petitioner is directed to deposit cost of ₹20,000/- in the Poor Patients Welfare Fund of the Post Graduate Institute of Medical Education and Research, Chandigarh.

December 05 , 2019
tripti

(ALKA SARIN)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No