

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

**C.R. No. 1412 of 2017 (O&M)
Date of Decision: 13.03.2020**

Umrao Singh

.... Petitioner

Vs.

Sombir & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Amit Arora, Advocate, for the petitioner.

Mr. Ram Avtar, Advocate, for respondent No.3.

ALKA SARIN, J (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India, for setting aside the impugned order dated 18.11.2016 (Annexure P-1), whereby the claim petition filed by the petitioner has been dismissed qua respondent No.1, for the reasons that the fresh address of respondent No.1 had not been filed.

It has been contended by learned counsel for the petitioner that infact respondent No.1 is residing at the same address as had been given before the Tribunal. He has further drawn attention of this Court to the orders dated 06.05.2019 and 04.07.2019 wherein it has been noticed that service of respondent No.1 had been effected through his brother. It is further contended that in any case, the Court ought to have afforded an opportunity to the claimant to move an appropriate application for substituted service.

In the present case, I find that the Tribunal has given no opportunity to the petitioner to try and serve respondent No.1 by way of substituted service. If at all the Tribunal was of the opinion that respondent

No.1 was not being served at the address as given by the petitioner, the petitioner ought to have been afforded an opportunity to file an appropriate application for substituted service.

In view of the above, I deem it just and appropriate to modify the impugned order (Annexure P-1) and to grant one opportunity to the petitioner to move an appropriate application for substituted service of respondent No.1. Since the claim petition was filed in the year 2015, the Tribunal is directed to try and deal with the matter as expeditiously as possible.

Civil Revision stands disposed off with the above observations.

March 13, 2020
tripti

(ALKA SARIN)
JUDGE

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