

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 03.02.2020****CR No.7168 of 2019**

Punjab State Civil Supplies Corporation Limited ...Petitioner

Vs.

M/s Jai Ambe Rice Mills & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. A.D.S.Jattana, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition is directed against the order dated 05.08.2019 passed by the Additional Civil Judge (Senior Division), Guruharsahai, whereby application moved by the plaintiff/petitioner under Section 15 of the Court Fee Act seeking permission to affix nominal court fee of Rs.500/- in a suit for recovery was dismissed.

2. On 16.01.2020, while issuing notice of motion, this Court passed the following order:

“Notice of motion, returnable by 3.2.2020.

Process dasti as well with permission to serve the respondents through their counsel in the trial court as per the provisions of Order 3 Rule 3 (1) of the Punjab and Haryana High Court Rules and Orders.

Respondents no.4 and 5 to appear in person in Court on the next date of hearing to consider making a statement on the debt owed to PUNSUP and in order to explore the possibility of putting the civil litigation to an end by payment

of admitted amount by the respondents rice millers to the PUNSUP.

To be shown in the Urgent List.”

3. As per office note dated 01.02.2020, the notices issued to the respondents have been received back with the report that respondent No.1 firm is closed; respondent No.2 is not residing at the given address; respondents No.3 & 5, who are wife and husband, have refused to accept summons and the Process Server has carried out affixation of summons; and respondent No.4 is dead.

4. In view thereof and having heard Mr. Jattana, the impugned order is quashed. The trial Court is directed to proceed with the suit filed by the Punjab State Civil Supplies Corporation Ltd. (PUNSUP).

5. Let bailable warrants be issued against respondent No.5, namely, Surinder Kumar son of Ram Nath to ensure his production before the trial Court on the date fixed i.e. 29.02.2020.

6. PUNSUP through counsel would appear before the trial court on that date.

7. With these observations and directions, petition stands disposed of.

03.02.2020
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes/No