

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

CR-1303-2021(O&M)

Date of decision: 14.07.2021

**M/s Tannu Sharma, Build Home Engineers Contractors and
Consultant through its Proprietor**

.....Petitioner

Versus

M/s Pavitra Natural Pathy Health Care Private Limited

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.K.B.Sharma, Advocate, for the petitioner

ANIL KSHETARPAL, J. (ORAL)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The plaintiff-petitioner assails the correctness of the order passed by the learned trial court while allowing the application under Order 9 Rule 13 CPC. Resultantly, the ex parte decree for recovery of Rs.2,95,095.58 passed on 29.07.2016 has been set aside on the ground that there is sufficient material to suspect that the defendant was not in the knowledge of the pending case. In this case, the defendant-Company was impleaded through its proprietor Dr. D.K.Jhamb. The defendant is a private limited company. On the basis of notice sent through registered cover and report of the postman regarding refusal, the defendant was proceeded ex parte in the suit. The postman has not been examined in evidence. It has also come on record that the plaintiff knew that the Director of the defendant-Company works in Paras Hospital, Gurugram. However, no effort was made to serve the defendant on that address.

The summons were served at the place of an under construction building. The plaintiff itself was carrying on with the construction work on the aforesaid building.

Keeping in view the aforesaid facts, no ground to interfere with the order passed by the learned Additional Civil Judge, (Senior Division), Faridabad. However, keeping in view the facts of the case the learned trial court is requested to take up the suit on priority and make a sincere endeavour for disposal thereof within a period of one year.

Disposed of.

All the pending miscellaneous applications, if any, also stand disposed of.

14.07.2021
rekha

(ANIL KSHETARPAL)
JUDGE

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