

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

CR-1766-2021 (O&M)

Date of decision: 01.09.2021

M/s GPT Infraprojects Ltd.

...Petitioner

Versus

M/s Chandigarh Casting Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. R.L. Sharma, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Plaintiff M/s Chandigarh Casting Pvt. Ltd. Village Ambey Majra, Sirhind Side, Mandi Gobindgarh, Tehsil Amloh, District Fatehgarh Sahib had filed a suit for recovery against defendant M/s GPT Infraprojects Ltd., Kolkata.

Notice of the suit was given to the defendant. Since the defendant did not appear to contest the suit despite being served by way of publication in the newspaper 'The Tribune', it was proceeded against *ex parte* and the suit was decreed *ex parte* on 31.01.2012.

Thereafter, the defendant filed an application under Order 9 Rule 13 CPC for setting aside the *ex parte* judgment and decree dated 31.01.2012 and *ex parte* order dated 20.02.2010, passed by the Court of Addl. Civil Judge (Sr. Divn.) Amloh. Notice of that application was

given to plaintiff/respondent, who put in appearance and resisted the application. The application was dismissed, vide detailed order dated 27.04.2018, passed by Addl. Civil Judge (Sr. Divn.) Amloh.

The defendant challenged that order by way of filing an appeal before District Judge, Fatehgarh Sahib. Such appeal which was assigned to Addl. District Judge, Fatehgarh Sahib was dismissed, vide order dated 26.02.2021. Therefore, such defendant has knocked at the door of this Court by way of filing the present revision petition.

I have heard learned counsel for the revisionist/defendant besides going through the record and I do not find any reason to interfere with the impugned orders. Both the orders are quite detailed, well reasoned, based upon proper appraisal and appreciation of factual and legal position. The trial Court while dismissing the application has observed that notice of the suit was sent to respondent as per registered AD post, which was not received back even after 30 days, therefore, presumption of service was drawn but as a matter of extra caution, notice to defendant was ordered to be given by way of publication in the newspaper 'The Tribune'. The publication was effected on 20.02.2010 but the defendant did not appear and was proceeded against *ex parte*. Therefore, there was no reason for setting aside of *ex parte* order and *ex parte* decree.

Learned Addl. District Judge, Fatehgarh Sahib agreed with learned trial Court.

The orders passed by the Courts below are quite detailed

and well reasoned. They do not suffer from any illegality or infirmity, much less the same being arbitrary or in violation of settled legal position. No ground to interfere therewith by allowing the present revision petition is there. The revision petition is found to be without merit and the same stands dismissed accordingly.

01.09.2021
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(H.S. MADAAN)
JUDGE

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