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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 385 of 2020
Date of Decision: 01.10.2021

Rajwinder Kaur

....Petitioner

VS

Nirmal Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner

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SUDHIR MITTAL, J. (Oral)

An ex-party judgment and decree dated 24.02.2014 was passed against the petitioner. The said judgment and decree was sought to be set aside vide an application filed under Order 9 Rule 13 CPC. This application has been dismissed vide the impugned order dated 11.10.2017. After evaluating the evidence on record, the trial Court has found that the address mentioned in the plaint was correct address.

Learned counsel for the petitioner submits that on 31.01.2012 it was recorded that the petitioner-defendant No. 2 was not served for want of complete address. On the next date i.e. 17.03.2012 the position remained the same. Counsel for the plaintiff submitted that the address mentioned in the plaint was last known address and, therefore, the petitioner-defendant No. 2 be served through Munadi. Munadi was conducted and the petitioner was proceeded against ex-party. Considering the fact that correct address was not furnished, the trial Court was in error in ordering service through Munadi. This fact has not been noticed by the trial Court while dismissing the application under Order 9 Rule 13 CPC and, thus, the impugned order deserves to be set aside.

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The aforementioned submission can not be accepted because while being cross-examined in the proceedings held under Order 9 Rule 13 CPC, the petitioner-defendant No. 2 has admitted that the address mentioned in the plaint was her correct address. It is, thus, obvious that she was avoiding service. In view of the above, there is no error in the order passed by the trial Court.

The revision is without merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

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

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