

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-352 of 2018(O&M)

Date of decision: 15.07.2022

M/S MDLR Airlines Private Limited

...Petitioner

Versus

Capt. Sukhjit Singh Hara

...Respondent

Civil Revision No.7009 of 2018(O&M)

M/S MDLR Airlines Private Limited

...Petitioner

Versus

Capt. Sukhjit Singh Hara

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Sanjiv Gupta, Advocate, for the petitioner.
Mr. Navjeet Singh, Advocate, for the respondent.

ANIL KSHETARPAL, J (Oral)

These two revision petitions are arising from the same suit. Civil Revision No.7009 of 2018 has been filed challenging the correctness of the application filed under Order 9 Rule 13 CPC to set aside an ex-parte judgment and decree.

Both the courts, on appreciation of evidence, have found that despite the receipt of notice, the petitioner did not chose to contest the petition. It was proved on the file that Sh. Anil Kumar, Executive Assistant to the Senior Vice President of the appellant-company, duly received the notice of the suit and proved the same while appearing in evidence.

The learned counsel representing the petitioner contends that the Sh. Anil Kumar was never authorised to receive summons, hence, the

courts have erred in dismissing the application.

Sh. Anil Kumar was not an ordinary employee of the company. He was an Executive Assistant to the Senior Vice-President of the company. The corporate entities are required to be served with a notice through its employee. Unless it is proved on the file that they have, by issuing instructions or framing rules designated a officer to receive the summons, it would not be appropriate for the court to hold that a reasonably senior officer was not authorised to receive the summons.

Hence no ground to interfere.

Dismissed.

In Civil Revision No.352 of 2018, the petitioner prays for stay of the execution petition during the pendency of the proceedings for setting aside the ex-parte decree.

In view of the order aforesaid, the civil revision is also rendered infructuous.

Disposed of accordingly.

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

July 15, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No