

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

112

CR-8025-2018

Date of decision: 14.09.2022

UMESH

..Petitioner

Versus

SARMIS AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gaurav Tyagi, Advocate
for the petitioner.

Mr. Yashveer Kharb, Advocate
for respondent No.1 to 6.

ANIL KSHETARPAL, J(Oral)

The learned counsel representing the petitioner submits that the service of notice on Ayushi was not proper and, therefore the Court directed the issuance of fresh summons. He further submitted that the signatures of the petitioner on the Court order sheet dated 10.12.2015 have not been identified by the Presiding Judge of the Court.

This Bench has heard the learned counsel representing the petitioner and with his able assistance perused the paperbook.

The application filed by the petitioner under Order IX Rule 13 has been dismissed by both the Courts below. It has come on record that initially the notice was served on respondent NO.3(the petitioner herein) through his daughter Ayushi. However, the Court still issued fresh notice on 10.12.2015, and the petitioner appeared in person on the said date and signed on the margin of order passed by the Court on that day. On 05.01.2016, he again appeared in person and his presence has been marked. It has also come on record that the petitioner was again summoned for 05.01.2016 but he refused to accept the said notice. It was delivered by the postal service at his doorstep.

In view of the aforesaid facts, the Court below has taken a plausible view of the matter.

Hence, no ground to interfere is made out.

Dismissed.

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

September 14th, 2022

(ANIL KSHETARPAL)
JUDGE

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>