

CR-6034-2022

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

CR-6034-2022

Date of Decision: December 19, 2022

Anoop Kumar

...Petitioner

Versus

Anil Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Jagdish Manchanda and
Mr. Nischal Chetanya Manchanda, Advocates
for the petitioner.

DEEPAK GUPTA, J.(Oral)

This revision is directed against the impugned order dated 06.09.2022 passed by learned District Judge, Jalandhar, whereby appeal has been dismissed under Order 9 Rule 2 CPC qua respondent Nos.5 and 7 for not filing of the publication charges as ordered earlier.

2. Learned counsel for the petitioner has pointed out that respondent Nos.5- Naresh Kumar was already proceeded ex parte before the Trial Court as is evident from the Trial Court judgment. Similarly, respondent No.7 Smt. Rita had been proceeded ex parte in the appeal itself vide order dated 26.07.2016. Learned counsel has relied upon the judgment of a Full Bench of this Court in case of **“Mohan Masih vs Smt. Bashiro and others”**, reported as 1988(2) PLR 138, as per which if a respondent is ex parte before the Courts below, there is no need for serving the said respondents again in the appeal.

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3. The abovesaid submissions contain merit. As respondent Nos.5 and 7 are already ex parte, so the present revision is accepted. The impugned order is set aside.
4. Revision stands disposed of.

December 19, 2022
sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No