

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

128

2023:PHHC:130551

CR-93-2019

Date of decision: 09.10.2023

M/S B.L.R.LOGISTICS (INDIA) & ANOTHER

..Petitioner

Versus

**THE ORIENTAL INSURANCE COMPANY LTD.
AND OTHERS**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naveen Bawa, Advocate
for the petitioner.

Ms. Anamika Mehra, Advocate
for respondent No.1 and 2.

ANIL KSHETARPAL, J(Oral)

1. The petitioners before this Court are defendants No.1 and 2 in a plaintiffs suit for recovery of Rs.19,81,884/-. During the pendency of the suit, National Insurance Company Limited was impleaded as defendant No.3. The Court directed defendant No.1 and 2 to take *dasti* notice to serve defendant No.3 in the suit. Subsequently, the Court dismissed the suit against defendant No.3 under Order IX Rule 2 of the Code of Civil Procedure, 1908, as the defendants failed to effect the service.

2. The learned counsel representing the petitioners submits that he should be granted one more opportunity to serve defendant No.3 (National Insurance Company Limited). He submits that despite his best efforts, *dasti* notices could not be served on defendant No.3 as directed by the Court.

3. Ms. Anamika Mehra, Advocate, submits that she is also on the panel of defendant No.3 (National Insurance Company Limited) and therefore, she cannot argue against defendant No.3.

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4. This revision petition is pending for the last four years. Defendant No.1 and 2 only prays for one more opportunity to serve the notice to defendant No.3.
5. Keeping in view the aforesaid facts, the revision petition is allowed.
6. The trial Court is requested to give one more opportunity to defendant No.1 and 2 to serve defendant No.3 (National Insurance Company Limited).
7. All the pending miscellaneous applications, if any, are also disposed of.

October 09th, 2023
Ay

(ANIL KSHETARPAL)
JUDGE

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