

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

112

CR-4644-2022

Date of decision : 16.01.2023

Rajpal Singh

... Petitioner

Versus

Harbans Singh

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Abhishek Lubana, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 13.12.2021 (Annexure P-2) whereby an application filed by the respondents under Order 9 Rule 13 CPC was allowed while setting aside the *ex parte* judgment and decree dated 06.11.2015 (Annexure P-3).

Learned counsel for the petitioner submits that the defendants/respondents had been served through proper mode of service inasmuch as the publication was also made in the newspaper *Chardikala* and therefore, the *ex parte* decree should not have been set aside especially when the application had been preferred by the defendants after three years.

Heard.

The petitioner/plaintiff had filed a suit against the respondents/defendants, who include his father and sisters to the effect that he is the joint owner in joint possession being coparcener in the land in question. The suit had been decreed *ex parte* on 06.11.2015 (Annexure P-3). The address of defendant No.1 had been mentioned as village Mangat, Tehsil Dasuya, District Hoshiarpur but it had come on record that he was not

residing at that address. He is stated to be residing at village Argowal, Tehsil Dasuya, District Hoshiarpur. The other defendants including sisters of the petitioner/plaintiff were also residing at their matrimonial homes. The petitioner was a close relative of the defendants and therefore, he ought to have furnished their correct addresses. The application for setting aside the *ex parte* decree was filed in July, 2018 stating therein that when the defendants had learnt about the decree, they had promptly filed the application.

In view of the above especially when the defendants had not been served at their addresses as the same had been incorrectly mentioned, I do not find any error in the impugned order setting aside the *ex parte* decree.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 16, 2023
sonia gugnani

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