

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR- 6000 of 2023(O&M)
Date of Decision: 09.10.2023

Sukhjinder Singh

...Petitioner

Versus

Navdeep Kaur

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Praagbir Singh Dhindsa, Advocate
For the petitioner.

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioner/ plaintiff against the order dated 21.07.2023 passed by Additional Principal Judge, Family Court, Ludhiana whereby the application filed by the petitioner under Order 5 Rule 20 CPC for effecting the substituted service of respondent has been dismissed.

2. The counsel for the petitioner submits that no doubt respondent is wife of the petitioner but they are having matrimonial dispute and petitioner has already furnished the last known address of the respondent to the Court at the time of filing of the divorce petition but the summons sent to the respondent were received back with report of insufficient address. On this, the petitioner filed an application under Order 5 Rule 20 CPC to effect the substituted service of the respondent which was supported by an affidavit of the petitioner wherein it was specifically stated that the address as mentioned in the petition is correct and last known address of the respondent. The counsel for the petitioner further submits that in these

circumstances there was no ground for the learned trial Court to dismiss the application filed under Order 5 Rule 20 CPC with direction to the petitioner to furnish the correct address of the respondent forthwith and then to issue notice to the respondent for the next date.

3. In the light of the above, this Court is of the view that the learned trial Court committed material irregularity while dismissing the application filed by the petitioner under Order 5 Rule 20 CPC. Accordingly, the impugned order is hereby set aside with a direction to the learned trial Court to pass afresh order in conformity with the provisions of Order 5 Rule 20(1) CPC in the light of the affidavit dated 21.07.2023 which has already been furnished by the petitioner along with his application under Order 5 Rule 20 CPC. The present petition is disposed of in aforesaid terms and the petitioner is directed to appear before the learned trial Court on the date already fixed for the further proceedings.

4. Keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if she feels dis-satisfied with this order, she may move an application to recall the same.

09.10.2023

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**(KARAMJIT SINGH)
JUDGE**

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