

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

**CR-6143-2017 (O&M)
Date of Order:20.03.2024**

SWARAN SINGH AND ANR

.Petitioners

Versus

**JEET SINGH NOW DECEASED THR JOGINDER KUMAR AND
ORS**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Anish Setia, Advocate, for the petitioners.

Mr. Paritosh Vaid, Advocate, for respondent no.5.

ANIL KSHETARPAL, J

In this revision petition, the plaintiffs assail the correctness of the trial court's order passed while setting aside the ex-parte decree. It has been recorded that the plaintiffs have admitted that Smt. Asha Rani is residing at Hoshiarpur for the last 30 years after her marriage. However, in the suit, Smt. Asha Rani was reflected to be resident of village Dhogri. The service of notice upon Smt. Asha Rani got served through local publication i.e. Proclamation by beat of drum. Once, it is established that Smt. Asha Rani was not residing for the last 30 years in the village Dhogri, the court has set aside the ex-parte decree.

The learned counsel representing the petitioners submits that as per Second proviso to Order IX Rule 13 CPC, a mere irregularity in service of summons is not sufficient to set aside the decree passed ex-parte. He submits that Smt. Asha Rani used to visit her parents' village off and on and therefore, she would have knowledge of the suit.

This court has considered the submissions of the learned counsel representing the parties.

The Supreme Court in Panna Lal vs. Murari Lal (dead) by LRs, AIR 1967 Supreme Court 1384 has explained the expression 'knowledge of the decree'. It has been laid down that in absence of complete information about the decree which enable him or her to take a decision, the small information is not necessary to infer knowledge. In this case, the plaintiffs have admitted that they knew that Smt. Asha Rani resides at Hoshiarpur. Hence, they were required to disclose her current address.

Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

Dismissed.

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

March 20, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO