

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 7472 of 2016 (O&M)****Date of Decision: 23.01.2024**

Rajinder Singh

... Petitioner(s)

Versus

Shanti

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kulvir Narwal, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner assails the correctness of the concurrent orders passed by both the Courts below while dismissing his application under Order IX Rule 13 of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC") to set aside the *ex parte* judgment and decree passed for the recovery of ₹2,32,000/- on the basis of pronote and receipt. It has been found that the petitioner had refused to accept summons tendered to him by the Process Server on 23.05.2009, in the presence of the Sarpanch and Panches of the village where he was residing. The report of refusal was attested by the Process Server (Court official), the Sarpanch and Panches of the village.

2. The learned counsel representing the petitioner, while referring to the order dated 15.05.2009, submits that the Court had ordered the plaintiff to furnish the registered cover in order to issue notice to the defendant. However, he never complied with the same. He further submits

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that the Process Server never pasted the notice on the conspicuous part of the house.

3. This Court has considered the submissions of the learned counsel representing the petitioner.

4. While exercising the revisional jurisdiction, the Court can interfere only if the orders passed by the two Courts suffer from perversity. In this case, the petitioner should have summoned the Process Server and questioned him in order to know the correct facts. It was the petitioner who came to the Court alleging that he never refused to accept the summons. Therefore, it was his responsibility to prove that the Process Server never tendered the notices to him. Moreover, while filing the application, the petitioner has not explained any enmity between him, the Sarpanch and Panches of the village.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

January 23, 2024

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No