

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****122****CR-6824-2023 (O&M)****Date of Decision : 09.01.2025**

Jindu Ram and Others

....Petitioners

VERSUS

Dharambir @ Dharam and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Akshay Jindal, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed by the petitioners challenging order dated 03.10.2023 whereby *ex parte* judgment and decree dated 04.01.1993 was set aside.

2. Briefly the facts relevant to the present *lis* are that the plaintiff-petitioners herein filed a civil suit for declaration and permanent injunction which was decreed *ex parte* vide judgment and decree dated 04.01.1993. Thereafter, an application under Order IX Rule 13 of the Code of Civil Procedure, 1908 was filed with an application for condonation of delay on 22.03.2016. The Trial Court vide order dated 30.09.2016 dismissed the said application. Aggrieved by the same an appeal was preferred, which was allowed and *ex parte* judgment and decree dated 04.01.1993 was set aside. Aggrieved by the same the present revision petition has been filed.

3. Learned counsel for the plaintiff-petitioners would contend that one of the defendant-respondents was duly served and the defendant-respondents throughout knew about the pendency of the suit, however, they chose not to appear.

4. Heard.

5. In the present case the summons initially issued to the defendant-respondents were received back unserved and the plaintiff-petitioners were directed to file fresh correct addresses of the defendant-respondents in the civil suit. On 08.03.1991, 18.07.1991 and 27.09.1991, notices were received back unserved. Thereafter, registered notices were sent at the address i.e. Vandan Ullah, New Delhi-30. The AD receipts were also not received back and thereafter publication was ordered. The publication was done in a newspaper called 'Daily Mewat' wherein the address of the defendant-respondents was mentioned as Kadanullah, Delhi-30, which was also not the correct address. There is nothing on the record to show that the publication made in the newspaper 'Daily Mewat' had circulation in New Delhi. Learned counsel for the plaintiff-petitioners has not been able to convince this Court that the notices were duly served upon the defendant-respondents and they had chosen not to appear despite knowledge. Counsel for the plaintiff-petitioners has not been able to convince this Court that there was any error of law or jurisdiction in passing the impugned order.

6. In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

09.01.2025
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO