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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-9444-2025
Date of Decision: 20.01.2026

ANMOL SINGH Petitioner

Versus

SATPAL AND ANOTHER Respondents

CR-399-2026

SATPAL (SINCE DECEASED THROUGH HIS LRS)Petitioner

Versus

ANMOL SINGH AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

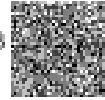
Present : Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Ms. Manju Goyal, Advocate
for respondent No.1 in CR-9444-2025 and
for the petitioner in CR-399-2026.

YASHVIR SINGH RATHOR, J. (Oral)

1. This order shall dispose of above noted two civil revisions,
as the same have emanated out of the same occurrence.

2. The revision petition bearing CR No.9444 of 2025 is
directed against the order dated 28.11.2025 (Annexure P-5) passed by the
learned Additional Civil Judge (Senior Division), Sri Muktsar Sahib, vide
which the petitioner has only been permitted to join the proceedings
without affording him any opportunity to file the written statement while
deciding the application under Order IX Rule 7 CPC filed by the



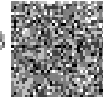
petitioner/defendant No.2 and a prayer has been made for issuing directions to allow the petitioner/defendant No.2 to file the written statement.

3. CR-399-2026 has been instituted against the same order dated 28.11.2025 (Annexure P-1) by the petitioner/plaintiff, challenging the order dated 24.03.2022, vide which defendant No.2/respondent has been permitted to join the proceedings.

4. Ms. Manju Goyal, Advocate has put in appearance on behalf of respondent No.1 in CR-9444-2025 and filed her Power of Attorney. The same is taken on record. Registry is directed to tag the same at an appropriate place.

5. I have heard learned counsel for the parties and gone through the material placed on the file.

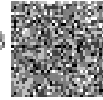
6. Learned counsel for the petitioner in CR-9444-2025 argued that the petitioner was never served with the summons issued by the Trial Court and he was proceeded *exparte* on the very first date on the basis of the report submitted by the Process Server regarding affixation of summons at his house, despite the fact that it was also reported that he was not found present at the spot. Learned counsel further contended that even the Chowkidar was also not present at the spot and the report is not witnessed by any respectable person and the learned Trial Court wrongly initiated *exparte* proceedings against the petitioner. Rather, fresh notice should have been issued to him through the ordinary process as well as through registered post so as to serve him with the summons. Learned counsel next contended that when he came to know of the *exparte*



proceedings, he moved an application for setting aside the *exparte* proceedings and the learned Trial Court has merely allowed him to join the proceedings but no opportunity has been given to file his written statement. In case, he is not allowed to file the written statement, he cannot set up his defence and cannot controvert the allegations levelled in the plaint and lead evidence. Learned counsel lastly prayed that the impugned order be set aside and that he may be permitted to file the written statement.

7. On the other hand, learned counsel for the respondent, who is the petitioner in CR-399-2026, has argued that the petitioner had deliberately not appeared despite service of summons. He is residing in the same house alongwith his father, who was also proceeded *exparte* initially but had joined the proceedings later on. The suit is pending for the last more than four years and now the application has been moved at a belated stage just to prolong the decision of the case and she prayed that the impugned order, vide which the petitioner has been allowed to join the proceedings, be set aside in toto and the application moved by the petitioner under Order IX Rule 7 CPC be dismissed.

8. A perusal of the record shows that the suit in hand was instituted on 14.02.2022 and notice was ordered to be issued to the defendants for 24.03.2022. On the summons issued to defendant No.2/petitioner Anmol Singh for 24.03.2022, a report was made on 02.03.2022 that defendant No.2/petitioner Anmol Singh could not be met at the spot. Thereafter, the Process Server again visited the village on 23.03.2022 and made a report that inquiry was made regarding Anmol Singh, who was not present at the spot. No other family member was



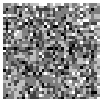
ready to accept the summons and he affixed one copy of the summons along with the plaint at the door of the house. He has also reported that the Chowkidar too was not present. It is on the basis of the aforesaid report that defendant No.2/petitioner was proceeded *exparte*, and the following order was passed:-

“ Notice issued to defendants received back with the report of affixation under Order 5 Rule 17 CPC. This court is satisfied that defendants have a knowledge of this case but today they have not come present even though case called repeatedly whole day. Court time is over. Consequently, defendants are proceeded against exparte. Now file be put up for exparte evidence of plaintiff for 25.05.2022.

*ACJ(SD)/SMS
UID NO. PB00274”*

9. However, the procedure adopted by the Process Server in affixing the summons was not proper. In case, defendant No.2/petitioner was not present at his house, he should have simplicitor made a report to that effect. There was no direction from the Court that in case, defendant No.2/petitioner is not found present at his house, the summons should be affixed at his house. Besides this, efforts should have been made either to get the petitioner served in person or notice should have been sent through registered post but no such course was adopted by the Trial Court and a shortcut method was adopted whereby defendant No.2/petitioner was proceeded *exparte*. Even the report of affixation was not attested by any respectable person of the village, including the Chowkidar, as it is specifically mentioned that the Chowkidar was also not present at the spot.

10. It is well settled that a duty is cast upon the Court to get the



parties personally served and in case, the litigant does not meet at the spot, notice should be simultaneously sent through registered post instead of taking the extreme step of initiating *ex parte* proceedings merely on the basis of the report of affixation. Likewise, once defendant No.2/petitioner moved an application for setting aside the *ex parte* proceedings and since he had not been properly served, he should have been given an opportunity to file the written statement. Simplicitor permission to join the proceedings is not sufficient, as he will not be able to lead evidence without filing the written statement. The impugned order dated 28.11.2025 (Annexure P-5) whereby he has been permitted only to join the proceedings is, thus, not sustainable and is liable to be set aside and accordingly CR-9444-2025 stands allowed while CR-399-2026 stands dismissed.

11. A photocopy of this order be placed on the connected case file.

(YASHVIR SINGH RATHOR)
JUDGE

20.01.2026
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No