IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.2796 of 2015 (O&M)
Date of Order:19.02.2018

Siri Ram deceased through LR

                                                                    ..Petitioner

Versus

Matadeen and others

                                                                    ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjay Mittal, Advocate,
                for the petitioner.

ANIL KSHETARPAL, J(Oral)

Defendant-petitioner is in revision petition against the order dismissing application under Order 9 Rule 13 of the Code of Civil Procedure for setting aside the ex-party decree, affirmed in appeal by the learned first appellate court.

Both the courts after framing issues, permitted the parties to lead evidence and have examined the detail facts.

The only argument of learned counsel for the petitioner is that when Siri Ram, the original defendant was served with the summons, he was not identified by anyone. He submits that as per the procedure laid down, the summons were required to be served in the presence of some witnesses who could identify the person on whom the summons were being served.

In this regard, Process Server Mahavir has been examined as RW2. He has specifically stated that when he went to the village he could not find Chowkidar, although, he went to his house. He has further stated

that when he served the summons on Siri Ram, there were 5-7 persons around him but everybody refused to sign. The process server further says that in fact the people told him that Siri Ram himself is a Lambardar.

Still further the courts have noticed that the petitioner has admitted his signatures on the agreement to sell dated 24.06.1995, specific performance whereof was sought for and decreed by the Court. He has also admitted receipt of the earnest money as recorded in the agreement.

In these circumstances, this court does not find any good ground to interfere with the orders passed by the courts below.

The revision petition is dismissed.

February 19, 2018   **(ANIL KSHETARPAL)**
nt   **JUDGE**

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