
(2003) 05 P&H CK 0138

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 2338 of 1987 (O and M)

Kailash Chand Jain and Others

APPELLANT

Vs

Chhaju Ram Jain and Others

RESPONDENT

Date of Decision : 07-05-2003

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 5 Rule 20
Haryana Urban (Control of Rent and Eviction) Act, 1973 — Section 13, 15(6)

Citation : (2003) 3 CivCC 614 : (2003) 3 CivCC 414 : (2003) 134 PLR 778 :
(2003) 4 RCR(Civil) 67 : (2003) 2 RCR(Rent) 396

Hon'ble Judges : J.S. Narang, J

Bench : Single Bench

Advocate : Mukul Aggarwal, for the Appellant; Arun Jain, for the Respondent

Final Decision : Allowed

Judgement

J.S. Narang, J.—After hearing learned counsel for the parties and perusal of the record, I find that the applicant-landlord did not furnish the registered AD cover for effecting service upon the respondent-petitioner in pursuant to order dated 15.1.1986, passed by the Rent Controller. However, a report had been made by the Process Server that in pursuant to the ordinary process, he had gone to the premises and it had been reported that the respondent-petitioner goes to Delhi in the morning and comes back in the evening. Thus, it was not possible to effect service upon the respondent-petitioner and resultantly, he was served through affixation. However, this report does not seem to have been accepted by the Rent Controller and thereafter vide order dated 15.6.1987, respondent-petitioner was directed to be served by way of beat of drum. In pursuant to the aforesaid order, the requisite amount is stated to have been deposited and the respondent-petitioner is stated to have been served by way of beat of drum. The perusal of this report shows that the Process Server has neither mentioned the time nor the report has been attested by an independent person, though the report on the record shows that it has been thumb marked by three persons but neither the name nor the description of the person has been mentioned. The report in this

regard is certainly not acceptable. The Rent Controller has rather presumed that the service has been effected correctly but the fact is otherwise.

2. In view of the above, the contention of the respondent-petitioner deserves to be accepted to the effect that he has not been duly served. Resultantly, the petition is allowed and the order dated 15.6.1987, passed by the Rent Controller is set aside. As a sequel there to the ex-parte order dated 5.6.1986 is also set aside. The parties through their counsel are directed to appear before the Rent Controller on 21.7.2003, for further proceedings.

3. Since the matter pertains to the year 1987, it shall be appreciated if the Rent Controller proceeds with the application expeditiously and decides the same within a period of six months and if for this purpose the proceedings have to be held on day to day basis, the same may be adhered to.