

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 3208 OF 2011

UNION OF INDIA & ANR.

Appellant(s)

VERSUS

DEWAN CHAND PESWARIA (D) BY LRS.

Respondent(s)

O R D E R

The High Court has decided issued Nos. (i),(ii),(iii),(iv), (vii) & (viii) which were formulated by it, in favour of the appellants. However, the High Court dismissed the appeal with regard to its finding on question Nos. (v) & (vi), which are to the following effect:

“(v) Whether the refusal to receive summon by registered post amounts to valid service?

(vi) Whether pasting of copy of summon on the disputed property is a valid substituted service?”

Heard the learned Counsel appearing for the appellants.

Since there was refusal to receive summons sent by registered post that amounts to valid service as there was refusal to accept notice when it was tendered. It is pertinent to mention that it was also pasted. In the aforesaid circumstances, the substituted service has also been effected. In the circumstances, we are of the opinion that the appeal has to be allowed by answering the aforesaid questions which were decided by the High Court against the appellants.

Since no other question has been raised, the finding has to be set aside. The appeal filed by the Union of India is allowed. The respondents are liable for vacating the premises in view of the findings recorded by the High Court on other issues.

It was conceded by learned counsel for the respondents that issue Nos. (i),(ii),(iv) & (vii) have to be decided in favour of the appellants and High Court has recorded the positive finding. Insofar as Issue nos. (iii) & (viii) also are in favour of the appellants in which we do not find any infirmity. The appeal is allowed.

Pending applications, if any, stand disposed of.

..... J.
(ARUN MISHRA)

..... J.
(M.R. SHAH)

New Delhi;
May 22, 2019.

ITEM NO.125

COURT NO.4

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 3208/2011

UNION OF INDIA & ANR.

Appellant(s)

VERSUS

DEWAN CHAND PESWARIA (D) BY LRS.

Respondent(s)

Date : 22-05-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s)

Ms. Seema Bengani, Adv.

Mr. Sachin Sharma, Adv.

Anas Zaidi, Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. Mukesh Kumar Maroria, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

(R. NATARAJAN)
COURT MASTER (SH)(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)