

CPC, 1908 Order 9, Rule 13 – Setting aside ex parte decree – Order for filing RC/AD/copies etc. – Not complied – Evidence that no copy of the petition was appended with the summons and for that reason, no copy of the petition was affixed when a copy of summons is reported to have been affixed at the spot – Process server was not examined to establish about her identity to ensure that he had tendered summons to the right person – Keeping in view the aforesaid, it can safely be held that the manner in which the service is effected by way of refusal and affixation, by no stretch of imagination, can be treated as due service – Was neither served much less duly served nor she had knowledge of divorce proceedings or ex parte decree at any point of time – Ex parte proceedings – Set aside.

Hindu Marriage Act, 1955 (25 of 1955) S. 13.

**(199) PLR 272**