



CPC O.9 R.13 - No copy of the petition was appended - Process server was not examined

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[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

Tags: [CPC O.9 R.13](#), [Ex parte decree](#), [HMA S. 13](#)