

RCA DJ 28/26

JM KOHLI (Through LRs) Vs. VIMAL KANTA

13.03.2026

Present: Sh. Gagan Gandhi, Ld counsel for appellant.

Report of Process Server/JJA/Ahlmad perused. As per report, the notice sent through the ordinary process has remained unserved. As reportedly having visited the given address on making enquiries in the neighbourhood it was informed that the premises at the given address has been lying locked for quite a long time and they have no information about the addressee and further, no more information could be procured about the addressee despite making the efforts. Further as transpires from the record, reportedly, the notice could not be issued to respondent through registered post as though the registered cover along with the requisite stamp stood filed on behalf of the appellant but corresponding requisite set of appeal and accompanying application was not not filed along with the PF and only one set was filed.

At this stage, Ld. Counsel for the appellant submits that the respondent has been residing at same very address and requests for issuance of fresh notice to the respondents. He has further prayed that for the service of the respondent through registered post, the registered cover which is already on record may be allowed to be used for that purpose.

In view of the submissions, let a fresh notice be issued of the application under section 5 Limitation Act along with the

appeal and the accompanying application under order XLI Rule 5 on filing of PF&RC for **02.05.2026** and the registered cover already on record be used for the purpose of sending notice through registered post.

It is made clear that notice fo the present appeal along with accompanying application is being issued besides the application seeking condonation of delay just to save the avoidable expenses in issuing notice repetitively and only the application seeking condonation of delay would be taken up for consideration on the next date of hearing and the appeal would be heard thereafter only, if the delay is duly stands condoned.

(NEERAJ SHARMA)
District Judge-04(Central)
Tis Hazari Courts Delhi
13.03.2026