

CS 84/23

MEHBOOB ALI Vs. SHAKIR

29/03/2023

Pr. Sh. Javed Khan, Ld. Counsel for the plaintiff.

Summons sent to the defendant at Delhi address received back with the report that a lady named Rubi met the process server at the given address and told that defendant is admitted in the hospital with brain tumor.

Ld. Counsel submits that summons was also sent at both the address of the defendant by registered post. He files receipt of the registered post, both are not received back.

In view of the facts and circumstances I consider it proper service to the defendant. As per report of the process the report is dated 14/03/2023.

As per Order XXXVII Rule 3 CPC, defendant within 10 days of such service is required to enter an appearance either in person or by pleader. As per Order XXXVII Rule 2 (3) CPC in default by the defendant in entering the appearance, plaintiff is held entitled to a decree for any sum, no exceeding the sum mentioned in the summons, together with interest at the rate specified, if any, to the date of decree.

Ld. Counsel has filed copy of the cheque on which this case is based. Ld. Counsel submits that original cheque is lying in the file of N.I. Act case pending before the Court of Ms. Deepali Srivastava, Ld. M.M (NI Act), Digital Court (East). He submits that he will file certified copy of the same on the next date of hearing.

Put up on 21/04/2023.

(Sanjay Garg-I)
Principal District & Sessions Judge,
East District, KKD Courts, Delhi.
29/03/2023 (as)