

25.05.2023

Present: Sh. S.S. Rajor, learned counsel for plaintiff.
Defendant no.1 in person.
None for defendant no.2 to 5.

Matter is fixed for service report of defendant no.2 to 5 / arguments on the application of plaintiff under Order XXXIII Rule 1 CPC.

Dasti summons sent to defendant no.2 to 5 received back served. From perusal of the report, it is found that the service is not proper since the report contains the stamp of Advocate of plaintiff.

Perusal of the file further reveals that this is a suit for compensation on account of death of wife of plaintiff due to an accident which happened within the premises of Mandi. However, the Mandi has not been made party in the present suit. Learned counsel for plaintiff seeks time to file amended memo of parties. In view of the same, defendant no.2 to 5 have no personal liability to compensate the plaintiff and the suit stands dismissed qua them.

Written statement and reply to the application under Order XXXIII Rule 1 CPC filed on behalf of defendant no.1. Copy supplied.

List for further proceedings, on **03.07.2023**.

GEETANJALI
ADJ-01/NE/KKD/DELHI
25.05.2023 pk