

CS no. 76/24
SUMIT GARG Vs. HEMANT GUPTA

01.04.2025

Present: Sh. Diwan Singh Chauhan, ld. counsel for the
plaintiff.

Sh. Shashank Aggarwal, ld. counsel for the
defendant no.2.

None for defendant no.3 and 4.

Defendant no.1 has still not been served.

Heard on application under Order V Rule 20 CPC filed by the plaintiff for service of defendant no.1 by way of publication. It is stated by ld. counsel for the plaintiff that except the address mentioned in the plaint, no other address of the defendant no.1 is available with the plaintiff. It is also submitted that defendant no.1 cannot be served through ordinary process. In view of above, I am convinced that defendant no.1 cannot be served through ordinary modes. Application allowed. Let defendant no.1 be served by way of publication in Hindi newspaper 'Veer Arjun' circulated in the area of Delhi on filing of PF and charges.

Process be given *dasti* and plaintiff is directed to deposit the publication charges with newspaper agency. Apart from publication, process be also issued through digital modes, if mobile phone number, e-mail or fax number of the defendant no.1 is found available by the plaintiff.

Summons to defendant no.1 be also served by way of affixation. Process Server is directed to file his report with supporting affidavit and photographs of affixation.

Heard. It is submitted by ld. counsels for both the parties that in order to protect the suit property, parties may be directed to maintain status quo. It is submitted by ld. counsel for the plaintiff that plaintiff was in possession of the suit property bearing Plot No.16, C Block, Gali No.1 and 2, situated in the *abadi* of Amar Vihar out of Khasra/Killa No.17/2, 19/3 and 20 of Rect. No.31 measuring 300 sq. yards (250 sq. meters approx.) situated at Karawal Nagar, Delhi-110094 as shown in red colour in the site plan attached, but presently this property has been sealed by the MCD on the allegation of violation of use of the said property. It is disputed by ld. counsel for defendant no.2 that plaintiff was in possession of the suit property but it is not disputed that presently suit property has been sealed by the MCD. Keeping in view the facts and circumstances of the case, parties are directed to maintain status quo in respect of the title and possession of the suit property till further orders. However, MCD may proceed in accordance with law and the status quo order will not affect its proceedings.

Put up for following steps:

- i) Service of summons upon defendant no.1 by way of publication and other modes.
- ii) Filing of written statement by defendant no.1 within 30

days from the date of service of summons. Advance copy be given.

iii) Replication to written statement of defendant no.1 and 2 atleast seven days prior to the next date. Advance copy be given.

iv) Filing of original documents by all the parties atleast seven days prior to the next date. Advance copy be given.

v) For completion of pleadings, admission/denial of documents and framing of issues.

vi) Reply and arguments on pending applications of the parties.

Parties to appear in person.

Fixed for 21.05.2025.

(SANJEEV JAIN)
Principal District & Sessions Judge,
North-East District, KKD/Delhi/01.04.2025