

SH. NAND KISHORESAXENA, SR. CITIZEN Vs. SMT.
MADHUSAXENA @ SUMAN SAXENA

04.03.2024

Present: Sh. Nipun Kumar, ld. counsel for plaintiff along with plaintiff.
Ms. Varsha Goel, ld. counsel for defendant no. 1.
None for Defendant no. 2 to 5.
Defendant no. 6 ex-parte.

Ld. Counsel for the plaintiff submits that the plaintiff wishes to drop defendant no. 5 Smt. Sahira @ Saheen from the array of defendants. It is submitted that the defendant no. 5 be dropped. In view of the submissions made, defendant no. 5 is dropped from the array of defendants. Signatures of ld. Counsel for plaintiff be taken on this order-sheet as a proof of correct recording of his submissions. Amended memo of parties filed.

Records perused. Order dated 29.08.2023 be complied with afresh qua defendant no. 2 and 3. It is further directed that in case of refusal/non-availability of defendant no. 2 and 3, process be affixed.

An application under Order V Rule 20 CPC for effecting service upon defendant no. 4 through publication is pending. The application is annexed with the affidavit of plaintiff.

By way of present application, the plaintiff is seeking permission to serve the defendant no. 4 through publication. It is averred in the application that the defendant no. 4 is avoiding the the service of summons deliberately and therefore could not be served by ordinary process at the address available. It is prayed

that plaintiff be permitted to serve the defendant no. 4 through publication.

I have heard the ld. counsel for the plaintiff and perused the application as well as report received on the summons.

In view of above facts and circumstances, it is apparent that the defendant no. 4 cannot be served through ordinary summons. Accordingly, application under Order V Rule 20 CPC is hereby allowed. Plaintiff is directed to serve the defendant no. 4 through publication in the newspaper namely 'Statesman'. Publication charges be directly deposited with the news agency. Necessary steps be taken within seven days.

Put up on 04.05.2024.

(KAPIL KUMAR)
ADJ-01/NE/KKD/DELHI
04.03.2024 sb