

CS 234/23

SAVITA AND ORS Vs. MAHAVIR SINGH AND ORS

19.04.2025

Present: Ms. Priyanka Agarwal, Ld. LAC for plaintiff.
None for defendants.

Plaintiffs have moved an application U/O V Rule 20 CPC seeking substituted service of one Anju (proposed D-7) with respect to an application U/O I Rule 10 CPC (moved on 07.01.2025). Another application U/O V Rule 20 CPC is also pending to serve one Om (proposed D-6) qua the application U/O I Rule 10 CPC (supra).

It is pertinent to note that in this case plaintiffs are *inter alia* seeking partition of property of one Chhote Lal. Chhote Lal is stated to be father-in-law of P-1 and grand father of P-2 and P-3. Chhote Lal is stated to have had two sons and two daughters namely Rambir Singh, Mahavir Singh, Kanta and Laali.

Now, Rambir Singh (one of the LRs of Chhote Lal) has expired and it appears that he had two wives namely Anju (proposed D-7) [from whom he had three children namely Nirmal/D-4, Sneha/D-5 and Om/proposed D-6] and Savita/P-1 [from whom he had two children namely Tinisha/P-2 and Shrishti/P-3].

Now, when the suit was filed, the plaintiffs had not made Anju and her children party to the suit. As the suit progressed, some applications were filed to bring two children (born from the wedlock between Rambir Singh and Anju) as defendants namely Nirmal/D-4 and Sneha/D-5.

This leaves Om/proposed D-6 and Anju/proposed D-7 as parties to the suit. Once this fact was revealed it was claimed that Anju is dead but now plaintiffs claim that they are not aware about the exact status of Anju/proposed D-7. In fact, in an amended memo available on record, Anju is shown to be dead.

Counsel for plaintiffs claim that in order to avoid any controversy, now they want D-6/Om (one of the sons born from the wedlock between Anju and Rambir) and Anju/proposed D-7 to be served by way of publication as they are not aware about the current address of the said individuals.

Since, now the plaintiffs are themselves claiming that there are other LR's of Rambir including Om and Anju, in my humble opinion, they should be made parties to the present suit.

Accordingly, the impleadment application moved by plaintiffs on 07.01.2025 is disposed of with direction that Nirmal, Sneha, Om and Anju (family of Rambir with Nirmal, Sneha and Om being children born to him from the wedlock between him and Anju) shall be treated as D-4 to D-7 respectively in this case.

D-4 and D-5 i.e. Nirmal and Senha have already filed their written statement in this case.

D-6/Om and D-7/Anju be served with summons of this suit by way of affixation on the last known address of the said two individuals. They be also served through publication in newspaper 'Statesman' and 'Virat Vaibhav' on filing of publication charges. Let they also be served on filing of PF/Rc/Speed-post at the last known address.

The applications for substituted service referred above stands disposed off.

Since D-7, is now being treated, by plaintiffs to be alive, they are directed to file a proper amended memo of parties within 7 days from today with copy to the other side.

List for appearance of D-6 and D-7 on 17.07.2025.

Aashish Gupta
DJ-01/NE/KKD/DELHI
19.04.2025