

CS 96/2013 302/16  
JYOSNA DASS Vs. BHAGAT SINGH  
&  
CS 100/2014 948/16  
NEELAM Vs. BHAGAT SINGH

23.10.2024

**1<sup>st</sup> call at 11:01am**

**Present:** Ms. Preeti, Ld. Counsel for plaintiff.

Sh. Yogesh Kumar, Ld. counsel for LR's of defendant  
through VC.

LR's of defendant in person.

Matter is listed for PE. No PW is present.

On request of Ld. counsel for plaintiff, matter be  
pass over for 12:00 noon.

(Deepanker Mohan)  
District Judge-04  
Shahdara District/KKD Courts/Delhi  
23.10.2024

**2<sup>nd</sup> call at 2:19pm**

**Present:** Sh. Surender Partap and Ms. Preeti, Ld. Counsels for  
plaintiff along with husband of plaintiff in person.

Sh. Yogesh Kumar and Sh. Rakshit Singh, Ld.  
counsels for LR's of defendant along with LR's of  
defendant namely Ms. Sudha, Sh. Kunal &  
Shailender are in person.

Reply to the application under Order XXXIX Rule 1  
and 2 CPC filed on behalf of LR's of defendant.

(2)

Ld. counsel for LR's of defendant submits that LR's of defendant despite their best efforts, are unable to trace the relevant documents qua the sale of the suit property at their house. It is further submitted that LR's of defendant are unaware whether defendant, during his lifetime, had ever acquired and possess the suit property. He further submits that LR's of defendant are unaware about the status of the suit property as on date.

Separate statements of LR's of defendant namely Ms. Sudha, Sh. Kunal Chaudhary and Sh. Shailender and Ld. counsel for LR's of defendant recorded.

Ld. counsel for plaintiff submits that LR's of defendant are not disclosing true and correct facts. He further submits that he will move an appropriate application for summoning the revenue record of the suit property. He further submits that plaintiff shall physically verify the present status of the suit property and thereafter, he will move an appropriate application in the present suit, if required.

Summons report qua the summoned witness received.

Ld. counsel for plaintiff submits that the witness is deliberately avoiding the service of the summons.

After perusal of the present report as well as previous reports of process server, this court is of the considered opinion that witness Sh. Ramesh Vashistha is deliberately avoiding the service of summons. Previous reports further reveal

(3)

that the service of summons had been refused by the wife of the witness.

In view of the circumstances, witness is deemed served.

None has appeared on behalf of the witness.

**Upon filing of PF, show cause notice under Order XVI Rule 10 and 12 of CPC be issued to witness for NDOH.**

Put up for compliance, arguments on the application under Order XXXIX Rule 1 and 2 CPC and PE on **16.12.2024**.

(Deepanker Mohan)  
District Judge-04  
Shahdara District/KKD Courts/Delhi  
23.10.2024