

17.03.2026

Present : Plaintiff no. 3 with Sh. Divye Puri Ld. Counsel for plaintiffs.

None has appeared for D2 and D3 despite service on 23.05.2025 and 26.05.2025, respectively.

Neither any WS nor any application seeking condonation of delay have been filed by D2 and D3. **It seems that D2 and D3 do not wish to contest the present suit, accordingly, their right to file WS is hereby closed.**

As far as service of D1, D4 and D5 is concerned, Ld. Counsel for plaintiffs submits that service affidavit a/w speed post receipt and tracking report have already been filed. Heard. On perusal of record, same are find placed.

During the course of hearing, Ld. Counsel for plaintiffs seeks time to file certificate under section BSA qua the aforesaid documents. Heard. He is at liberty to proceed as per law.

At this stage, Ld. Counsel for plaintiffs has relied upon judgment of Hon'ble Supreme Court of India in Transfer Petition(s) (Civil) No. 2019/2019, titled as 'Priyanka Kumari vs. Shailender Kumar' DOD 13.10.2023 and submits that as per the said judgment, the word 'refusal' can be interpreted in synonyms to the word 'unclaimed'. He further submits that when the notice is returned as unclaimed, it shall be deemed to be served and it is proper service, as per the said judgment. Heard.

Matter is adjourned.

Matter be listed for further proceedings on 20.07.2026.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/17.03.2026

(10.55 am)

At this stage, Sh. Animesh Dubey Ld. Counsel for D2 has

appeared through VC. He submits that he was appearing since the beginning of the proceedings of the Court, but somehow, his voice is not audible to the Court and in that regard, he has also sent the message in chat box at 10.37 am. He further submits that consequently, court considered that none has appeared for D2 and thereafter, closed the right to file WS by D2. He further submits that WS could not be filed so far, as he met with an accident on 28.10.2025 and suffered fracture in his leg and was not able to work properly for considerable period. He seeks some more time to file WS alongwith application seeking condonation of delay as well as appropriate application qua the setting aside of aforesaid order, whereby his right to file WS was closed. Heard. He is at liberty to proceed as per law.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/17.03.2026