

Civ DJ 230/17

SEEMA AND ORS. Vs. GANPATI AND ORS

Further, plea of the applicant/defendant no.2 is that she never authorized defendant no.4 to accept notice on her behalf.

No reply to the aforesaid application has been filed. However, counsel for plaintiff has opposed the application being not maintainable.

Record perused.

Record shows that applicant/defendant no.2 was served by way of publication in Veer Arjun dated 11.04.2019 and was proceeded ex-parte due to non-appearance vide order dated 25.07.2019. Perusal of order dated 30.04.2019 shows that defendant no.4 accepted service on behalf of defendant no.2 & 3 being her sister. During course of arguments, ld. counsel for applicant/defendant no.2 submits that applicant has no grievance against the defendant no.4. In view thereof, it is unbelievable that applicant/defendant no.2 was not aware of the proceedings of the instant partition suit. There is no sufficient ground for setting aside the ex-parte proceedings initiated against the applicant/defendant no.2. Since recording of evidence has not yet commenced, ex-parte dated 25.07.2019 is set aside qua defendant no.2, subject cost of Rs.7,000/- to be paid to plaintiff for causing delay in proceedings.

Let written statement be filed within 30 days from today. Put up for further proceedings and payment of cost on **23.04.2022**.

(Manish Sharma)
Additional District Judge-01(West)
Tis Hazari Courts, Delhi

ARB TN 58/21

M/S CAPITAL HIND FINANCE PVT. LTD. THROUGH JYOTI KHARI
Vs. PRAKASH CHAND

PHYSICAL HEARING

28.02.2022

Case has been taken up today in terms of Order No.152-2777-2828/Misc/Gaz/PDJ/West/2022 dated 11.02.2022 of Learned Principal District & Sessions Judge (West).

Present : Sh. Vijay K. Sehgal, ld. counsel for petitioner.

Applicant with counsel Sh. Triloki Pandit.

As reported, Mr. Hitesh Singh-proprietor of M/s Rathore Auto Deal is served. However, none is present on his behalf.

Let court notice be issued to Mr. Hitesh Singh-proprietor of M/s Rathore Auto Deal to appear in person on the next date.

Counsel for petitioner seeks time to produced certain counter folio/receipts.

At request, matter is adjourned for further proceedings on **08.03.2022** at 2:00 PM.

(Manish Sharma)
Additional District Judge-01(West)
Tis Hazari Courts, Delhi