

Civ DJ 915/2023
Harmeet Singh Vs.
Ramesh Gupta

12.12.2023

Present: Sh. Upender Singh, Ld. Counsel for plaintiff.

Summons sent to defendant through ordinary process received back with report dated 09.11.2023 to the effect that at the given address one person namely, Sh. Krishna Gupta met who introduced himself as son of defendant Sh. Ramesh Gupta and refused to accept the summons.

Ld. Counsel for plaintiff has placed on record tracking report pertaining to the speed post through which the summons were sent to the defendant. As per the same, the speed post was attempted to be served upon the defendant on 21.11.2023, however the same was returned as unclaimed.

Ld. Counsel for the plaintiff has stated that it be considered as deemed service upon the defendant and in this regard he has relied upon judgment/ order passed by Hon'ble Supreme Court in case titled 'Priyanka Kumari Vs. Shailendra Kumar', in transfer petition(s) (Civil) No.2090/2019. He has urged that since the defendant has not filed appearance within the prescribed period, in view of provision u/o XXXVII Rule 2(3) CPC the plaintiff has become entitled to a decree in his favour.

In view of above discussed fact and submissions, the defendant is deemed to be served with summons on 21.11.2023.

Since the defendant has failed to file appearance within the prescribed period, in view of provision u/o XXXVII Rule 2(3) CPC the plaintiff has become entitled to a decree in his favour.

Put up for arguments on **10.01.2024**.

(GOPAL SINGH CHAUHAN)
ADJ-03, WEST/DELHI
12.12.2023