

10.11.2021

(Through Video Conferencing)

Present: Mr. Sumit Ahuja, counsel for the plaintiff.

Arguments on the application of the plaintiff under Order 5 Rule 20 CPC r/w Section 151 CPC for substituted service of the defendant and preponement of the date of hearing heard.

A perusal of the said application reveals that the same has not been signed by the plaintiff, but has been signed by one Mr. Dhiraj Arora, who is stated to be the SPA holder of the plaintiff. However, no such SPA executed by the plaintiff in his favour has been filed on record.

Counsel for the plaintiff submits that the plaintiff had left for USA in the month of May, 2021, hence the present application was moved by her SPA holder Dhiraj Arora. He seeks time till the next date to file the said SPA on record.

As regards the summons issued to the defendant, the record reveals that summons sent at the first address of the defendant (tenanted premises of the suit) have been received back unserved with the report that the door was locked and one woman namely Preeti Aggarwal informed that the defendant visits there occasionally.

As regards the second address, the summons have been received back unserved with the report that the door was found locked and that no such person resides there.

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As regards the third address, the summons have been received back unserved with the report that the door was found locked.

Further, the RCs issued at all the three addresses have also been received back unserved with a similar report that the defendant was not available despite repeated visits.

Counsel for the plaintiff submits that the defendant is deliberately trying to evade service.

In these circumstances, let fresh summons be issued to the defendant on all the three addresses on filing of PF/RC. In case of refusal or non-availability or the premises found locked, the process be served by way of affixation. The same be specifically endorsed on the process.

Let the process also be given *dasti*, as specifically prayed for.

As regards the prayer for substituted service, the present application is kept pending till the report on the fresh summons is received.

As regards the prayer for preponement of the date of hearing, no ground is made out for the same.

Accordingly, put up on the date already fixed i.e. 11.01.2022.

(Harleen Singh)
ADJ-04 (West), Tis Hazari Courts
10.11.2021