

PARAS MITTAL Vs. M/S GLOBE TEX INDUSTRIES

11.05.2026

Present: Sh. Parvesh Bansal, Ld. Counsel for the applicant/
defendant no.2 (through VC).
Sh. Munish Chhoker, Ld. Counsel for the respondent/
plaintiff.

Ld. Counsel for respondent/ plaintiff submits that he does not wish to file any reply to the application and wishes to straightaway address arguments.

Arguments heard from both the sides.

It is the case of the applicant that defendant no.2 was never served with the summons of the instant suit and an ex-parte judgment and decree dated 19.07.2024 was passed against the applicant without proper service.

Per contra, it is submitted by respondent that as per the process server's report dated 22.10.2021, summons were duly served to the defendant no.2 through Whatsapp on his mobile no.9802599999, and the Ld. Predecessor Court had duly perused the said report and accepted the service of defendant no.2 vide order dated 13.07.2022 passed in CS No.478/21, and the service through Whatsapp was duly allowed during that period by the order of Hon'ble Supreme Court as an accepted mode of service.

It is pertinent to note that in the entire application, it has not been denied by applicant/ defendant no.2 that the mobile no.9802599999 does not belong to him or that he was not served with the summons of the instant suit on his mobile number.

It is also submitted by Ld. Counsel for applicant that defendant no.2 has already shifted to his new residence in Bikaner, Rajasthan after 21.11.2022 and has also filed a Sale deed in this regard qua the purchase of property in Bikaner, Rajasthan, executed in favour of the daughter-in-law of the applicant/ defendant no.2 by the erstwhile owners.

It has also not been denied that before 21.11.2022, the son of the applicant namely Mr. Ankush Mittal alongwith his wife and daughter-in-law of the applicant were residing at H. No.230/1, Sarvodya Colony, Sargoda, Kaithal, Haryana, and the speed post sent to the said address qua the summons of the instant suit also returned with the remarks that despite visiting the said property several times, no one received the said speed post and stated that the applicant is out of State.

The sale deed dated 21.11.2022 executed in the name of the daughter-in-law of the applicant has also been witnessed by the son of the applicant namely Sh. Ankush Mittal, showing his address at H. No.230/1, Sarvodya Colony, Sargoda, Kaithal, Haryana, which is the same address where the speed post of the summons of the instant suit was sent.

This shows that the summons of the instant suit were deliberately refused by the family members of the applicant/ defendant no.2 and even otherwise, the applicant/ defendant no.2 was personally served by the summons of the instant suit through Whatsapp on his mobile number as stated above, which has also not been denied by the applicant in the instant application.

In view of the above, this Court finds no merit in the instant application and the same stands dismissed, being not maintainable.

The Court of Ld. Civil Judge (Jr. Division), Kaithal District Court, Haryana is at liberty to proceed with the execution proceedings pursuant to the judgment and decree dated 19.07.2024 passed by this Court in CS No.478/21 as per law.

Miscellaneous file be consigned to record room.

Copy of this order be given dasti to both the parties, as prayed for.

**(Ankur Jain-II)
DJ-02, SHD District
KKD/Delhi 11.05.2026**