

Randhir etc. Vs. Roshni etc.

CS-857-2023

Present: None for plaintiff.

Sh. Surender Malik, Advocate for defendants No. 1, 3 to 7, 9, 10, 12, 23 to 26, 34 to 36, 38, 39 to 41.

Defendants No. 16, 17, 19 and 20 proceeded exparte VOD
11.08.2023.

Sh. Sandeep Kharb, Advocate for defendants No. 8, 27 to 33, 37 and 42.

Notice to defendants No. 11, 13 to 16, 18 and 21 could not be issued for want of correct address. Perusal of the case file reveals that the stage for notice to the defendant has been fixed since 21.11.2023 and till date notice to defendant could not be issued as plaintiff has time and again failed to file correct address. It is pertinent to note that as per Order IX Rule 2 of CPC it is stated that where on the date so fixed it is found that the summons has not been served upon the defendant in consequences of failure of the plaintiff is presenting the copy of plaint as required by Rule 9 of Order VII then the Court is at liberty to make an order that the suit should be dismissed. As already discussed above that the present suit has been pending for the same purpose since 21.11.2023 and in the same process already more than two years have been elapsed. Further wait is not justified.

This Court is of the considered opinion that plaintiff is not interested in further proceedings of the suit. **Thus, in the interest of justice and power vested in this Court under Order IX Rule 2 of CPC the suit of the plaintiff is hereby dismissed in default.** File be consigned to record-room after due compliance.

Date of Order: 23.07.2026
Sagar

(Ankit Rana)
CJ(JD), Sonipat,
UID No . HR0719