

3 CS (COMM) 43/25
M S HYLINE LOGISTICS PVT LTD Vs. KM ALISHA VOHRA

11.03.2025

Present : Sh. Karan Arora , Ld. Counsel for the plaintiff alongwith Sh. Ajay Raj Sharma, Ld. Proxy counsel for the plaintiff (Enrollment no. D-5185/2024).
None for defendant no.1, 2 and 3.
Sh. Manan Gupta, Ld. Counsel for the defendant no.4 (through VC).

The matter is fixed for service of summons to the defendants. The summons sent to the defendant no. 1, 2 and 3 through Nazarat Branch are not received back. Whereas the summons sent to the defendant no. 1, 2 and 3 through speed post are reported to be received back with report unserved because the address is insufficient. Summons sent to the defendant no.4 through Nazarat Branch are received back with report served on it's address of Vadodara Gujarat on 24.02.2025. Today, Sh. Manan Gupta, Ld. Counsel for the defendant no.4 has appeared and filed his memo of appearance and submitted that the concerned officials of the defendant no.4 bank are unwell and the defendant no.4 will file the written statement, statement of truth and affidavit of admission /denial within 30 days from the date of it's service of summons. The defendant no.4 is directed to file written statement, statement of truth and affidavit of admission /denial within 30 days from the date of it's service of summons.

Sh. Ajay Raj Sharma, advocate has filed his affidavit regarding the service the summons to all the defendants through speed post. But, apparently this affidavit is been found false as the summons sent to the defendant no.1, 2 and 3 through speed post are received back unserved, whereas Sh. Ajay Raj Sharma, Advocate has filed false affidavit regarding the service of the summons to the defendants through speed post and on pointing out by this court regarding the falsehood of his such affidavit he has sought permission to withdraw his said affidavit. His separate statement is also recorded. In view of statement of Sh. Ajay Raj Sharma, Advocate recorded today in the Court he is allowed

to withdraw his affidavit regarding service of summons to the defendants through speed post is dismissed is withdrawn and this advocate is requested not to file such false affidavit in the court in future. Today, despite of repeated calls since morning, till 02.49 p.m. no one has appeared on behalf defendant no.1, 2 and 3. Since, the summons sent to the defendant no.1, 2 and 3 through Nazarat Branch are not received back. So, the matter stands adjourned for awaiting the reports on the summons sent to the defendant no.1, 2 and 3 through Nazarat Branch. Ld. Counsel for the plaintiff has submitted that defendant no.1, 2 and 3 have filed another suit, which is pending in this Court and same is fixed for 24.03.2025 and further submitted that in the said civil suit the defendant no.1, 2 and 3 had given the same address as mentioned in the memo of the parties in this case. So, fresh summons are ordered to be issued to the defendant no.1, 2 and 3 through all modes on the same address as mentioned in this case on taking of steps by the plaintiff within four days from today with the directions to the defendant no.1, 2 and 3 to file written statement, statement of truth and affidavit of admission /denial within 30 days from the date of service of their summons. Dasti summons are also ordered to be given to the plaintiff or it's counsel.

To come up on **21.04.2025**.

(PAWAN KUMAR MATTO)
DISTRICT JUDGE
(COMMERCIAL COURT)-04,
SHAHDARA, KKD,
Delhi/11.03.2025