

CS No. 437/17

Ritz Theatres Pvt. Ltd. vs. Sh. Baby etc.

23.03.2017

(10:35 am to 10:45am)

Present : Sh. Vijay Narain Seth, Director of the plaintiff company in person

None for defendant no.4.

Sh. Bijender Singh, Civil Nazir, KKD, alongwith Sh. D.P. Singh, concerned Process Server.

Sh. Bijender Singh is stating that, there is no Incharge of the Nazarat Branch concerned, and he is only looking after the duty of the Incharge Nazarat Branch. He is also accompanied by the Process Server concerned namely Sh. D.P. Singh, No.90336.

He has been informed about the kind of conduct of the Process Server concerned, however the concerned Process Server as well as the Civil Nazir have tendered their unqualified apology and have undertaken to be careful in future.

Accepting the unqualified apology and undertaking, the matter is closed for the time being. However, it is made clear that fresh summons to be issued shall be assigned to some other Process Server.

None has appeared for defendant no.4 inspite of specific directions. Defendant no.4 has not furnished the formal official names of defendant nos. 1 to 3 to the opposite counsel, and therefore, they could not take any fresh steps.

The proceedings in the main case is being delayed because of non cooperation of defendant no.4. However, in the interest of justice, one more

opportunity is extended to defendant no.4 to do the needful within 3 working days, and direct information be given in writing to the opposite counsel on acknowledgment.

However, it is made clear that, in case defendant no.4 expresses his inability, then, it is not that, the petitioner shall not be taking the steps on his own.

Service will be effected on the correct names and address of the defendant nos.1 to 3, on filing of PF and approved courier, in terms of previous order. Track report be filed on record, one day in advance.

Issue fresh summons to the defendants no. 1 to 3, on filing of PF, speed post and approved courier, as well as by way of affixation at the very same address, in terms of previous order, for 05.04.2017.

However, the photograph of the affixation shall be taken by the Process Server from his own mobile showing the premises number, and same shall be produced alongwith the report. With further direction to the Process Server that, in case of service, to ensure the identity of the person, who is being served.

Plaintiff or his duly authorised agent is allowed to accompany the Process Server to the spot.

Steps within 3 working days.

(Sujata Kohli)
Addl. District Judge (Central)
Pilot Court
23.03.2017

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