

08.12.2021

Present: Ld. Counsel Ms. Barkha Sharma for the plaintiff.

Defendant no.1 is unserved.

Defendant no.2 is served through his sister in law by ordinary process on 01.12.2021. He is also served through courier on 01.12.2021. Defendant no.2 to file the written statement within the limitation prescribed. Replication may be filed thereafter.

Counsel for the plaintiff has filed tracking report along with postal receipts and certificate u/s 65B of Indian Evidence Act.

Defendant no.1 is unserved. Ordinary process is received back with the report that at the given address his mother refused to take the process and did not disclose his address stating that he was no longer residing with them and she did not know about his whereabouts.

An application has been moved under order V rule 20 CPC seeking permission to serve the defendant no.1 by means of publication.

Heard on the application.

It has been submitted that the plaintiff is unable to serve the defendant no.1 in the normal course since the defendant no.1 is avoiding service. The plaintiff has verified the address mentioned in the memo of parties. The defendant no.1 has left the addresses. The record also supports the submissions made on behalf of the plaintiff.

In the facts and circumstances, I allow the application of the plaintiff to serve the defendant no.1 by way of publication in the newspaper "Rashtriya Sahara". Publication charges may be deposited within 3 days and necessary steps be taken. It be given dasti.

Application under order V rule 20 CPC stands allowed.

Put up for further proceedings for 14.03.2022.

(NISHA SAXENA)
District Judge (Commercial Court)-04
Central/Delhi/08.12.2021

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