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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 446/2022 and IA No. 12178/2022 (application filed by the plaintiff u/S 151 CPC r/w Order 39 Rules 1 and 2 CPC) and IA No. 12180/2022 (application filed by the plaintiff u/S 151 CPC r/w Order 38 Rule 5 CPC for attachment of the suit property)

RAVINDER SINGH

..... Plaintiff

Through: Mr. Vijay Pal Singh and Mr. Sunil Kumar, Advocates appeared physically

versus

M/S J V MERCANTILE PRIVATE LIMITED Defendant

Through: Mr. Achyuta Dafdwara and Ms. Jyoti Nambiar, Advocates for Defendant nos. 6 and 7 appeared physically

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)

ORDER

% **28.11.2022**

Matter is taken up through physical hearing as well as video conferencing.

IA No. 12178/2022 (application filed by the plaintiff u/S 151 CPC r/w Order 39 Rules 1 and 2 CPC)

Reply filed by defendant nos. 6 and 7.

IA No. 12180/2022 (application filed by the plaintiff u/S 151 CPC r/w Order 38 Rule 5 CPC for attachment of the suit property)

Reply not filed. At request of learned counsel for defendant nos. 6 and 7, reply be filed at least one week before the next date of hearing.



CS(OS) 446/2022

As per file noting, defendant no.1 on all three address has remained unserved by ordinary mode with the report 'no such person'. Defendant nos. 2 and 3 at both addresses have remained unserved by the ordinary mode with the report 'left'. Defendant no.4 at first address has remained unserved by the ordinary mode with the report 'left' and at second address has remained unserved by the ordinary mode with the report 'incomplete address'. Defendant no.5 has remained unserved by the ordinary mode with the report 'no such person'. Defendant nos. 6 to 9 have been served by the ordinary mode.

File noting further reveals that defendant no.1 has been served on all three addresses by way of Speed Post and defendant nos. 2(a) and 2(b) have been unserved with the report 'left'. Defendant no.3 has remained unserved on first and second address with report 'unclaimed'. Defendant no.4 has remained unserved at first address. Defendants no. 5 and 8 have also remained unserved by the Speed Post. By other modes, service report is awaited.

Learned counsel for defendant nos. 6 and 7 has put up appearance.

As per file noting, reply to IA No. 12178/2022 and IA No. 12180/2022 alongwith vakalatnama has been filed by defendant nos. 6 and 7. However, written statement e-filed on 29.10.2022 which has been returned under objections. Defendant nos. 6 and 7 are directed to remove the objections within one week so that it comes on record.

Learned counsel for the plaintiff has stated that he has filed affidavit of service vide Dy. No. 1949573, but it is lying under objections. He has further stated that he has also filed replication to written statement of



defendant nos. 6 and 7 and rejoinder vide Dy. No. 1949913/2022, which is lying under objections. Let objections be removed within one week so that it comes on record. Copy be supplied to the opposite parties.

At request of learned counsel for the plaintiff, defendant no.8 be served again through SBI, Head Office at the address to be filed by the plaintiff alongwith PF. Fresh summons be issued to unserved defendants at given address on taking steps by the plaintiff by all permissible modes including electronic mode and *dasti*. Affidavit of service be filed atleast one week before the next date of hearing.

Matter is already coming up before the Hon'ble Court on 13th December, 2022 for further directions.

TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)

NOVEMBER 28, 2022
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