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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 446/2022**

RAVINDER SINGH

..... Plaintiff

Through: Mr. Vijay Pal Singh, Mr.
Yoesh Kumar and Mr.
Suneel Kumar, Advocates
appeared physically
(M: 9990693340)

versus

M/S J V MERCANTILE PRIVATE LIMITED

..... Defendant

Through: Ms. Vaishali Gupta,
Advocate for Defendants
no. 6 and 7 appeared
through VC

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

ORDER

% **06.04.2023**

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

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

Reply of defendants no. 6 and 7 is on record. Rejoinder also filed by the plaintiff. **Pleadings are complete qua defendants no. 6 and 7.**

IA No. 12180/2022 (application filed by the plaintiffs u/S 151 CPC r/w Order 38 Rule 5 CPC)

Reply not filed by any of the defendants till date.



IA No. 5296/2023 (application filed by the plaintiff u/S 151 CPC r/w Order 5 Rule 20 CPC for permission to serve the summons to the defendant by way of publication)

This is fresh application filed by the plaintiff for substituted service of defendants no. 1 to 5, on the ground that despite best efforts, plaintiff has been unable to serve the defendants no. 1 to 5 by way of any other mode, despite issuance of repeated summons.

Learned counsel for the plaintiff has stated that addresses of defendants mentioned in the Memo of Parties are the last known addresses of defendants no. 1 to 5 and plaintiff has been unable to trace any other address of defendants no. 1 to 5.

Heard. File perused. Perusal of the file reveals that despite issuance of summons by way of ordinary mode as well as Speed Post and Registered Post, summons to defendants no. 1 to 5 have remained unserved. This Court is satisfied that defendants no. 1 to 5 cannot be served by any other mode.

Hence, the application stands allowed and defendants no. 1 to 5 are directed to be served by way of substituted service by publication in two newspapers, one English newspaper i.e. 'The Statesman' (English Edition) and one vernacular newspaper i.e. 'Veer Arjun' (Hindi Edition) having wide circulation in the area where defendants no. 1 to 5 last resided, on filing of PF and publication charges within two weeks.

IA stands disposed off.

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Written statement alongwith affidavit of admission/denial has already been filed on behalf of defendants no. 6 and 7. Replication has also been filed by the plaintiff. However, learned



counsel for the plaintiff has stated that he has not filed affidavit of admission/denial alongwith replication as defendants no. 6 and 7 have not filed any documents with written statement.

Pleadings are complete qua defendants no. 6 and 7.

Defendant no.9 has not appeared despite service.

At request of learned counsel for the plaintiff, fresh summons be issued to defendant no.8 through SBI Head Office on filing of PF with complete address of Head Office by the plaintiff within seven days by all permissible modes including electronic mode and *dasti*. Affidavit of service may be filed atleast one week before the next date of hearing.

Put up for completion of pleadings on 24th July, 2023.

**TYAGITA SINGH, (DHJS)
JOINT REGISTRAR (JUDICIAL)**

APRIL 6, 2023

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