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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 372/2020, I.A. 5312/2022 I.A. 16138/2023, I.A.
34882/2024, IA 34229/2024 , CC-14/2022 I.A. 10449/2024

SHRI VIJAY SETHI

.....Plaintiff

Through: Mr. S.P. Mehta, Mr. Daman Yadav, Advs.
damanyadav506@gmail.com

versus

SHRI ANIL SETHI & ORS.

.....Defendant

Through: Mr. Rishi Bhatnagar, Adv. (Through VC)
Mr. Rishabh Gaur, Adv. (appeared
physically) for D-2/Counter -Claimant

CORAM:

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

ORDER

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25.07.2024

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

The present case has been transferred from the Court of Ld. Joint Registrar (Judicial) Mr. Manish Sharma vide Order dated 28.06.2024 issued by Ld. Registrar (Original & JJ Sectt.).

I.A. 5312/2022 (Application u/O XXII Rule 4 CPC filed by plaintiff for impleadment of LR of deceased defendant no.3)

Perusal of previous orders and file notings reveals that both the LR of defendant no.3 namely Sh. Araal Sethi (son) and Ms. Nadika Chodhary (daughter) have been served by way of ordinary mode. However, none has appeared on their behalf since last date and they have not filed any Reply till date. **Right of both the LR to file Reply stands closed.** Ld. Counsel for defendant no.2 has already stated that he does not wish to file Reply.



Ld. Counsel for plaintiff has stated that defendant no.3 Sh. Ashok Sethi had expired on 31.10.2021 and his wife had pre-deceased and only abovesaid two legal heirs are surviving who are required to be impleaded in the present suit as necessary and proper parties to the suit.

Keeping in view the facts and circumstances mentioned in the application and submissions of the parties, application stands allowed and both the LRs are impleaded as necessary and proper parties to the suit as defendants no.3(a) and 3(b). Amended Memo of parties has already been filed with the application. Concerned official of Registry is directed to place the hard copy of Amended Memo of Parties at front of the physical file. **I.A. stands disposed off.**

I.A. 16138/2023 (Application u/O I Rule 10 CPC filed by defendant no.2 for impleadment of proposed defendant Sh. Parmeet Singh Anand)

Reply of plaintiff is already on record. Ld. Counsel for defendant no.2 does not want to file Rejoinder. **Pleadings are complete qua plaintiff.**

Fresh Notice be issued to proposed defendant Sh. Parmeet Singh Anand at the given address as mentioned in the application on filing of PF within 7 days, by all permissible modes including electronic mode and Dasti, if any. Reply if any be filed by proposed defendant with advance copy to the applicant within four weeks from date of service.

I.A. 34228/2024 (Application u/O V Rule 20 CPC filed by plaintiff for substituted service of defendant no.1)

Ld. Counsel for plaintiff has stated that despite best efforts, plaintiff has not been able to serve defendant no.1 by way of ordinary mode and speed post due to which the present application has been filed for service of defendant no.1 by way of publication.



Perusal of file noting and previous record reveals that defendant no.1 has remained unserved despite repeated issuance of summons by way of ordinary mode and speed post. Hence this Court is satisfied that defendant no.1 cannot be served by any other mode.

The present application stands allowed and defendant no.1 is allowed to be served by substituted service by way of publication in newspapers 'The Statesman' – English edition and 'Navbharat Times' – Hindi edition on filing of PF and publication charges within one week. Summons may be given dasti to plaintiff for publication. Affidavit of service alongwith original newspapers may be filed on record with the Registry before next date of hearing. **I.A. stands disposed off.**

CC-14/2022

IA 34229/2024 (Application u/O VIII Rule 1 CPC filed by plaintiff for condonation of delay in filing Written Statement to the counter claim of defendant no.2)

Notice accepted. Copy supplied. Ld. Counsel for defendant no.2 has stated that he has already filed detailed application I.A. 10449/2024 u/O VIII Rule 10 CPC and that application may be treated as Reply to this application and he need not file fresh Reply in this I.A.

I.A. 10449/2024 (Application u/O VIII Rule 10 CPC filed by defendant no.2 for striking out defence of plaintiff in counter claim)

Ld. Counsel for defendant no.2 has stated that notice has already been issued in this IA by the Hon'ble Court but Reply has not been filed by plaintiff till date.



At request, copy be supplied to Ld. Counsel for plaintiff by way of e-mail within two days. Both the parties are directed to share their e-mail IDs in attendance. Last opportunity is granted to plaintiff for filing Reply within two weeks with advance copy to the opposite party.

CS(OS) 372/2020

At request of Ld. Counsel for plaintiff, fresh summons be issued to defendants no.4 and 5 on filing of PF within 7 days by all permissible modes including electronic mode and Dasti if any. Affidavit of service be filed before next date of hearing.

Be fixed for further proceedings and completion of pleadings in the I.A. on 20.08.2024.

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

JULY 25 2024/sm