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

+ **CS(OS) 431/2020**

SH. PARVEEN PAL BAJAJ

..... Plaintiff

Through: Mr. Shanto Mukerjee & Ms. Punya
Bajaj, Advs

versus

SHRI SUNIL BAJAJ & ORS.

..... Defendants

Through: Ms. Yashika Vij, Adv for D1, 4, 6 & 7

CORAM:

MS. VANDANA JAIN (DHJS) JOINT REGISTRAR(JUDICIAL)

ORDER

% **12.03.2021**

[Physical Court Hearing]

IA No. 3754/2021 (u/O VIII Rule 1 CPC filed by D1, 4, 6 & 7 for seeking condonation of delay in filing of written statement)

Learned counsel for plaintiff submits that he has not received copy of IA. Let copy of IA be supplied by applicants to counsel for plaintiffs on his e-mail ID during course of the day.

Let reply to the IA, if any be filed by plaintiff within a week with advance copy to counsel for defendants who may file rejoinder, if any before the date already fixed before Hon'ble Court.

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Written statement, affidavit of admission/denial of documents, documents and reply to IA (u/O XXXIX Rule 1 & 2 CPC) filed by defendant No.1, 4, 6 & 7.



Learned counsel for plaintiff submits that he has not received copy of same. Let same be supplied by aforesaid defendants to counsel for plaintiffs on his e-mail ID during course of the day.

Replication to the written statement of defendant No.1, 4, 6 & 7 alongwith affidavit of admission/denial of documents be filed by plaintiff in accordance with law.

Affidavit of service filed by plaintiff.

As per office report, defendant No.2 & 3 remained unserved with report “Nobody responding despite repeatedly knocking at door”. It appears to be a deliberate attempt to avoid the service of summons upon them, therefore, they be served by way of affixation, on taking of necessary steps by plaintiff.

Defendant No.5 has refused to take the summons. Plaintiff to take steps for service of defendant No.5 by way of affixation.

Summons issued to defendant No. 8 to 11 received back unserved with report “ no such person at the given address”. In the affidavit of service, service is stated to be effected through whatsapp. None of pages running from 38 to 41 of the affidavit of service wherein whatsapp service is shown are legible. Therefore, service cannot be deemed to be effected through whatsapp on any of the aforesaid defendants. Learned counsel for plaintiff submits that he will take fresh steps for serving the aforesaid defendants through whatsapp and by usual mode. Let same be done as submitted.

Steps not taken for service of defendant No.12. Let fresh steps for service of defendant No.12 be taken by plaintiff through all modes including dasti, electronic as well as Whatsapp.



As prayed, let the matter be placed before Hon'ble Court on the date already fixed in the case i.e. on 23.03.2021.

VANDANA JAIN (DHJS)
JOINT REGISTRAR (JUDICIAL)

MARCH 12, 2021
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