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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(OS) 613/2024

SHILPI GUPTA

.....Plaintiff

Through: Mr. Ashish Aggarwal with Ms.  
Smriti Walia & Mr. Himanshu  
Singh, Advs.

versus

SHANKAR BERIWAL & ORS.

.....Defendant

Through: None for D-2 & 3 despite service.  
D-1 is yet to be served.  
None for applicant Mr. Naveen.

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. DEVENDER  
KUMAR GARG (DHJS)

**ORDER**

**26.03.2025**

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**Proceedings are being conducted through hybrid mode.**

**I.A. No. 4818/2025 (by plaintiff u/O V Rule 20 of CPC for substituted service of D-1)**

1. Ld. Counsel for plaintiff has submitted that summons issued to defendant no.1 received back unserved with report of 'left without instructions'. He has further submitted that plaintiff is not having any other alternate address of defendant no.1 and the address available on record is the last known address of defendant no.1. He has further submitted that defendant no.1 could not be served through ordinary mode, hence, he may be served through publication in newspaper.



2. Heard. Record perused. Perusal of record shows that summons issued to the defendant no.1 through ordinary mode received back unserved with report that no such person residing at the given address and summons issued to defendant no.1 through speed post also received back unserved with report of 'left without instructions'. For the reasons stated in the application and in view of above submissions, let defendant no.1 be served with summons of the suit and notice of the pending application through substituted service i.e. by publication in newspaper 'The Statesman' (English) and in 'Navbharat Times' (Hindi) having circulation in New Delhi on filing of PF and subject to deposit of necessary publication charges by petitioner, as per rules, returnable on next date of hearing.
3. The captioned IA stands disposed off accordingly.

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**I.A. No. 35338/2024 (by plaintiff for stay)**

4. No written statement, affidavit of admission/denial of documents and reply to the captioned IA has been filed on behalf of the defendants no.2 and 3.
5. Ld. Counsel for plaintiff submits that statutory period for filing written statement on behalf of defendants no.2 & 3 has already expired and hence, right of said defendants to file the same may be closed.
6. Heard. Perusal of order dated 15.10.2024 would show that defendants no.2 & 3 were served and directed to file their written statement and affidavit of admission/denial of documents, however, the same have not been filed on behalf of the said defendants. The statutory period for filing written statement and affidavit of admission/denial



of documents on behalf of the defendants no.2 & 3 has already expired. Hence, right of defendants no.2 & 3 to file written statement and affidavit of admission/denial of documents is closed.

7. The application stated to be filed on behalf of Mr. Naveen for impleading him as party to the suit, vide diary no. 4554979/2024 has not come on record till date. Let appropriate steps be taken as per law.
8. As per office noting, fresh vakalatnama has been filed on behalf of aforesaid Mr. Naveen.
9. Issue fresh summons of suit and notice of the captioned IA to the defendant no.1 in terms of order passed today while disposing off IA No. 4818/2025 for next date of hearing.
10. The defendant no.1 shall file his written statement, reply to captioned IA and affidavit of admission/denial of documents within 30 days from the date of service with advance copy to the plaintiff, who may file replication, rejoinder qua the captioned IA and affidavit of admission/denial of documents thereafter within 30 days.
11. Let the pleadings be completed as per law.
12. Re-notify the present matter for completion of service, completion of pleadings and further proceedings on **25<sup>th</sup> July, 2025.**

**DEVENDER KUMAR GARG (DHJS)**  
**JOINT REGISTRAR (JUDICIAL)**

**MARCH 26, 2025/v**

*Click here to check corrigendum, if any*