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

+ **FAO 139/2016**

SANTOSH CHATURVEDI Appellant

Through: **Ms.Mahima Dayani, Adv.**

versus

STATE (NCT OF DELHI) & ORS. Respondent

Through: **Mr. D.D. Singh and Mr. Navdeep
Singh, Advs. for R-4**

CORAM:

**SH. RAVINDER SINGH (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **17.01.2019**

**C.M. No. 19837/2018 (U/O V Rule 20 CPC to serve the notice
upon unserved respondent through substitution mode)**

Learned counsel for the appellant wants to withdraw this application stating that the appellant has filed the fresh application.

This application is dismissed as withdrawn.

**C.M. No. 1986/2019 (U/O 5 Rule 20 CPC to serve the notice upon
respondents i.e. 5(A), 5(B)(4), 5(E)(1), 5(E)(2), 5(E)(3)**

Learned counsel for appellant submitted that this application be considered for service of notice upon respondents i.e. 5(B)(4), 5(E)(1), 5(E)(2), 5(E)(3) only and he prayed for fresh notice for respondent no.5(A).

By this application, appellant wants to serve the notice of C.M. No.11242/2017 and C.M. 11243/2017 upon respondents i.e. 5(B)(4), 5(E)(1), 5(E)(2), 5(E)(3) by substitution mode.

It is stated in the application that notice of C.M. No.11242/2017



and C.M. 11243/2017 have been sent to the respondents i.e. 5(B)(4), 5(E)(1), 5(E)(2), 5(E)t(3) number of times but they have been avoiding to receive the notice despite knowledge of this appeal. It is further stated that the address given in the appeal is correct and last known address with the appellant. Further, appellant stated that he has tried her best to locate the fresh address of abovesaid respondents but could not succeed and, therefore, respondents cannot be served in ordinary manner.

Having heard the learned counsel for the appellant and having perused the application, I am satisfied that respondents i.e. 5(B)(4), 5(E)(1), 5(E)(2), 5(E)(3) cannot be served by ordinary means. Therefore, the application is allowed.

It is directed that the respondents i.e. 5(B)(4), 5(E)(1), 5(E)(2), 5(E)(3) be served by way of publication in the daily newspaper "STATESMAN" Pune (Maharashtra) Edition and "THE TRIBUNE" Indore (M.P.) Edition upon filing of PF.

Proof of publication be filed before the next date of hearing.

C.M. No. 11242/2017 (on behalf of appellant u/O 22 Rule 4 r/w Section 151 CPC) and C.M. No. 11243/2017 (on behalf of appellant for condonation of delay in re-filing)

Upon filing of PF, fresh notice be issued to respondent no.5(A) through all modes including approved courier.

List this matter on 27th May, 2019.

**RAVINDER SINGH (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JANUARY 17, 2019/tp