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

+ **CS(OS) 1782/2014**

M/S KUSHAL INFRAPROJECT INDUSTRIES INDIA LTD

..... Plaintiff

Through Ms. Sumita Maan and Mr. B.S. Maan,
Advocates

versus

SURESH KUMAR & OTHERS

..... Defendants

Through Mr. Anand Yadav and Ms. Anita
Tomar, Advocates for defendant nos.
1 to 4

CORAM:

**SH. ANIL KUMAR SISODIA (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **12.05.2016**

Pleadings qua defendant nos. 1 to 4 in the suit are complete.

Defendant no.5 is unserved.

Ld. counsel for plaintiff submits that defendant no.5 is a minor living on the same address, but the summons are being received unserved with the report that he is not residing on the given address. She further submits that defendant no.4 being the real brother of defendant no.5 be asked to furnish the fresh and complete address of defendant no.5.

Ld. counsel for defendant nos. 1 to 4 submits that he cannot be directed to furnish the address of defendant no.5.

In my considered opinion, it is not a matter of procedure, but a matter of propriety that defendant no.4 being the real elder brother of defendant

no.5 should cooperate to the court in furnishing the fresh address of defendant no.5, if he is not residing on the given address.

Ld. counsel for defendant nos. 1 to 4 at this stage submits that he had submitted in the very beginning that defendant no.5 is living on the same address.

In these circumstances, defendant no.5 be served on the same address through all modes.

Summons be also given dasti and in case of refusal or non-availability of defendant no.5 summons be served by way of affixation. Plaintiff shall obtain the photographs of the process of the affixation at its own cost and shall file the same alongwith affidavit of service before the next date of hearing.

At his stage, ld. counsel for defendant nos. 1 to 4 submits that there is no question of issuing any directions as he has already disclosed that defendant no.5 is living on the same address.

Put up for service of defendant no.5 on **6th September, 2016.**

ANIL KUMAR SISODIA (DHJS)
JOINT REGISTRAR (JUDICIAL)

MAY 12, 2016
savita