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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. Smita Mann, Advocate.

versus

SURESH KUMAR & OTHERS

..... Defendant

Through Mr. Anand Yadav, Advocate
for defendant no. 1 to 4.

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

ORDER
% **06.09.2016**

CS(OS) 1782/2014

Defendant no. 5 has been served through Speed Post on 4th August, 2016 as per the tracking report filed by the counsel for the plaintiff.

Counsel for defendant no. 1 to 4 submits that defendant no. 5 is a minor and an application for appointment of guardian is pending adjudication and the said application should be decided first before service of defendant no.5.

I have perused the I.A. no. 11163/2014 wherein plaintiff has

prayed for appointment of mother Smt. Sarla Devi as guardian of the defendant no. 5. Even in the memo of parties, defendant no. 5 has been impleaded through her mother Smt. Sarla Devi. Mother being a natural guardian of the minor, the application for appointment of the guardian filed by the plaintiff is merely in the nature of a formal prayer because even otherwise under the law the mother is a natural guardian of minor child. Hence, defendant no. 5 is deemed to have been properly served with the summons of the suit. Defendant no. 5 is at liberty to file the WS through her mother within the stipulated period.

Plaintiff has filed replication to the WS of defendant no. 1 to 3. Counsel for the plaintiff seeks time to file replication to the WS of defendant no. 4. Let the same be filed within a week from today. Replication to the WS of defendant no. 5 be also filed within four weeks from the date of receipt of copy of WS.

Put up for completion of pleadings on **15th November, 2016**

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

SEPTEMBER 06, 2016`/mk