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

+ RFA(OS) 51/2018

SANTOSH KUMAR JAIN

..... Appellant

Through: Mr. Ashok Gurnani, Adv. (M)
9810109039

versus

KIRAN JAIN & ORS

..... Respondent

Through: Mr. Shubham Nanvaty, Adv. for LR
of D-9

CORAM:

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

ORDER

% **19.09.2019**

CM No. 6595/2019 (U/O V Rule 20 r/w Section 151 of the CPC for effecting service on the respondent no. 8 through substituted mode)

By this application appellant want to serve the notice of this appeal upon R-8 through substitution mode.

It is stated in the application that M/s Mehtab Singh Muni Subrat Dass Jain Dharmarth Trust is Respondent no.8 (R-8) and appellant has filed a copy of deed of cancellation of Trust Deed dated 01-6-1998 alongwith appeal. It is also stated that late Mehtab Singh Jain on advice of Mr. S.N.Kumar and as President and Founder of Trust namely M/s Mehtab Singh Muni Subrat Dass Jain Dharmarth Trust, called the meeting of trust on 31-3-1999 and trust deed was cancelled in that meeting. It is also stated that R-8 remained unserved and appellant does not have any other address of R-8 except the address given in the memo of parties.

It is admitted case of appellant that R-8 is M/s Mehtab Singh Muni Subrat Dass Jain Dharmarth Trust, which was a Trust and the Trust Deed of said trust was cancelled in the meeting of the Trustees dated 31-03-1999, so the Trust, M/s Mehtab Singh Muni Subrat Dass Jain Dharmarth Trust i.e., R-8 is no more in existence, hence, the service of notice of this appeal upon R-



8 cannot be effected through substitution service of notice also. The abovesaid application is accordingly disposed off.

CM No. 6594/2019 (U/O XXII Rule 4 Sub Rule 4 of CPC, seeking exemption of the appellant to bring the LRs of the deceased Smt. Krishan Devi/respondent no. 9 on record)

Ld. counsel for LRs of deceased respondent no. 9 stated that he has filed the reply on yesterday vide diary no. 1010995. The said reply is not on record. The LRs of Respondent no.9 is directed to take necessary step to bring the said application on record.

Ld. counsel for appellant seeks time to file the rejoinder.

Let rejoinder, if so required be filed, within four weeks with advance copy to other side.

List this matter on 13-11-2019.

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

**SEPTEMBER 19, 2019
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