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

+ **CS(OS) 395/2016**

SH CHARANJIV SINGH GADH Plaintiff

Through: Mr Neeraj Grover, Adv with Mr Mehak
Nakra, Adv

versus

SH SARABJIT SINGH & ORS Defendant

Through: Mr. Jagjit Singh, Adv for D1.
Mr. Rakesh Mittal, Adv for D4
Mr. Vikrant Pachnanda, Adv for D7.

CORAM:

SH. RAJ KUMAR TRIPATHI (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% **13.07.2017**

Learned counsel for defendant No.1 submits that his presence on behalf of defendant No.2 may also kindly be marked. He submits that he will file his vakalatnama on behalf of defendant No.2 within three days. Let a properly executed vakalatnama be filed by counsel for defendant No.2 on or before the next date of hearing.

Counsel for defendant No.2 submits that defendant has not received complete set of paper book. On the other hand, counsel for plaintiff submits that defendant has been duly served with the summons of the suit alongwith complete paper book.

Be that as it may, one another copy of plaint alongwith complete set of documents be supplied to counsel for defendant No.2 against proper receipt.

Replication to the written statement of defendant Nos.4 & 7 not filed by the plaintiff till date.

Let the same be filed by plaintiff within three weeks from today positively failing which opportunity given to the plaintiff for filing replication shall automatically be closed.

Defendant Nos. 5 & 6 have not filed their written statement to the suit of the plaintiff till date.

Some more time is sought for filing written statement. Let the same be filed within the statutory period as prescribed in CPC and advance copy of the same be supplied to counsel for plaintiff against proper receipt.

The plaintiff shall file replication to the written statements of defendants 5 & 6 within three weeks from the date of receipt of written statement and also supply advance copy of the same to counsel for defendants.

IA No. 7613/2017 (u/O 5 Rule 20 r/w Section 151 CPC on behalf of the plaintiff for substituted service of the defendant through publication/advertisement in newspaper)

Summons issued to defendant No.3 by way of ordinary process returned back unserved with report “no such person resides at the given address”.

Summons also issued to him by way of speed post returned back unserved with report “left without address”.

Heard on IA.

Learned counsel for the plaintiff submits that plaintiff has attempted to serve defendant No.3 on multiple occasions but he could not be served till date. He submits that the address of defendant as

mentioned in the Memo of Parties is the last known address of the defendant available with the plaintiff. He further submits that present address of defendant No.3 is not known to the plaintiff. He submits that defendant No.3 was duly served with the injunction order as well as with entire suit documents in August 2016, at his address as provided in the Memo of Parties. However, despite knowledge of pendency of the present suit, defendant No.3 is evading the services. He prays to permit the plaintiff to serve the defendant by way of affixation and also by way of publication.

Considering the facts mentioned in the application and reports of the process servers, fresh summons of the suit be issued to defendant No.3 at his given address vide PF, returnable for next date of hearing.

In case of non-availability of defendant No.3 at his given premises during usual course of time or his refusal to accept the process, summons upon him be served by way of affixation.

Subject to deposition of publication charges by the plaintiff, defendant No.3 be also served by way of publication in the newspapers Hindi as well as English language at national level.

Citation as well as affidavit of service be filed by plaintiff on or before the next date of hearing.

Accordingly, IA stands disposed of.

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Be listed for appearance of defendant No.3 and for completion of pleadings on 27.09.2017.

**SH. RAJ KUMAR TRIPATHI (DHJS)
JOINT REGISTRAR (JUDICIAL)**

JULY 13, 2017/SK