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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 732/2014**
RAJWANTI & ORS

.....Plaintiff

Through: Mr. Sanjay Rathi, Adv.

versus

JAWAHAR SINGH & ORS

.....Defendant

Through: Mr. Anshu Bhardwaj, proxy counsel
for D-1 to 3
None for D-4 to 6, 8 & LR No.(iii) of
D-9.
D-7 & LRs No.(i) & (ii) of D-9 are
yet to be served

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. JYOTI KLER (DHJS)

ORDER
% **25.02.2021**

PHYSICAL HEARING

**I.A.No.14525/2019 (under Section 151 CPC filed on behalf of the
plaintiffs for condonation of delay of 19 days in filing the
I.A.No.14524/2019)**

1. Learned proxy counsel for the defendant no.1 to 3 submits that he has no objection if the application is allowed.
2. There is no appearance on behalf of the defendant no.4 to 6, defendant no.8 and LR No.(iii) of defendant no.9 despite service. Defendant no.7 and LRs No.(i) & (ii) of the defendant no.9 are yet



to be served in the main suit and IA No.7812/2018 & 7813/2018. Learned counsel for the plaintiffs submits that the defendant no.4 to 6 are supporting the case of the plaintiffs.

3. Considering the submissions, the instant application is allowed and delay is condoned.
4. IA stands disposed of.

I.A.No.14524/2019 (under Order V Rule 20 r/w Section 151 CPC filed by the plaintiffs for substituted service/publication of the defendant no.7 & LRs of the defendant no.9)

1. Heard.
2. It is prayed in the application that summons of the suit and notice of I.A.No.7812/2018 & I.A.No.7813/2018 upon the defendant no.7, and notice of the two aforementioned IAs upon the LRs No. (i) & (ii) of the defendant no.9, may be served through substituted mode as despite repeated attempts the plaintiffs are not able to serve these defendants.
3. Office report reflects that ordinary process sent to the defendant no.7 had been returned back unserved every time with the report 'no such person' and process to LRs No. (i) & (ii) of the defendant no.9 was received back with the report that they do not reside at the provided address after their marriage.
4. It is submitted by learned counsel for the plaintiffs that the addresses provided by him in the Court are last known addresses of the defendant no.7 and LRs No. (i) & (ii) of the defendant no.9. It is submitted that these defendants be served by way of affixation at their last known addresses as well as by way of publication.



5. Considering the submissions, the application is allowed. LRs No. (i) & (ii) of the defendant no.9, namely, Ms. Anita & Ms. Rita respectively, be served with the applications bearing IA No.7812/2018 & I.A.No.7813/2018, and the defendant no.7 be served with the aforementioned applications and summons of the suit, by way of affixation at their last known addresses and publication in newspaper 'Veer Arjun' (for LRs No (i) & (ii) of D-9) and 'Shah Times' (for the defendant no.7), returnable for **14th July, 2021.**

6. IA stands disposed of.

I.A.No.7812/2018 (under Order XXII Rule 4 r/w Section 151 CPC for bringing on record LRs of the defendant no.9 &

I.A.No.7813/2018 (under Section 151 CPC for condonation of delay in re-filing)

1. Reply filed by the defendant no.1 to 3. No rejoinder has been filed by the plaintiff. It is reflected in the order dated 25/10/2018 that learned counsel for the plaintiff had expressed that he did not wish to file rejoinder.
2. It is reflected in the order dated 21/08/2018 that the defendant no.4 to 6 had submitted that they have no objection if the applications are allowed.
3. Hence, pleadings in this application are complete qua the defendants no.1 to 6.
4. Defendant No.8 has been served with the application. LR No.(iii) of the defendant no.9 is also deemed served because he refused to accept notice of the application. No reply has been filed by them.



5. Substituted service has been directed today for the defendant no.7 and LRs No.(i) & (ii) of the defendant no.9.
6. Re-notify the application for completion of pleadings qua defendant no.7, 8 & 9 (through LRs) and consideration on **14th July, 2021.**

CS (OS) 732/2014

1. Defendant no.7 is yet to be served. Substituted service has already been directed for him.
2. LRs of the defendant no.9 are yet to be impleaded.
3. Defendant no.1 to 6 have entered appearance as per record. Defendant no.8 is deemed served as he refused to accept the summons. Service qua defendant no.1 to 6 and 8 is thus complete.
4. Written statement has already been filed by the defendant no.1 to 6. Replication to the written statement of the defendant no.1 to 3 has been filed by the plaintiff. No replication to the written statement of the defendant no.4, 5 & 6 has been filed however.
5. Affidavit of admission/denial of the documents have not been filed. Parties are directed to file affidavit of admission/denial of the documents within four weeks from today.
6. Re-notify the matter for completion of service, completion of pleadings and admission/denial of the documents on **14th July, 2021.**

JYOTI KLER (DHJS)
JOINT REGISTRAR (JUDICIAL)

FEBRUARY 25, 2021/nk

[Click here to check corrigendum, if any](#)