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IN THE HIGH COURT OF DELHI AT NEW DELHI

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TEST.CAS. 77/2016

SHYAM SUNDER AMLADI & ANR

..... Petitioner

Through Mr. Madav Gupta, Adv.

Versus

STATE (GOVERNMENT OF NATIONAL CAPITAL TERRITORY
OF DELHI) Respondent

Through Mr. Tishampati Sen, Ms. Uditia & Mr.
Anurag Anand, Advs. for R-8
Ms. Aditi Sharma, Adv. for R (i) and
(ii)

CORAM:

SHARAD GUPTA (DHJS), JOINT REGISTRAR (JUDICIAL)

ORDER

% **04.02.2022**

The matter has been taken up through video conferencing, in terms of directions vide Circular No.1/RG/DHC/2022 dated 12.01.2022.

IA No.18383/2019 u/O XXII R 4 CPC for bringing on record the LR's of deceased respondent no.2 Mr. R. R. Savoorand; and IA No.18384/2019 for condonation of delay in filing of IA No.18383/2019; both IAs moved by petitioner and Test Case 77/2016

Report under Rule 3(37), Chapter II of Delhi High Court (Original Side) Rules 2018 has already been prepared for kind perusal of the Hon'ble Court. It is stated by learned counsel for the petitioner that another IA for bringing on record the LR's of deceased respondent no.5 had been moved in the meantime and therefore requisite steps

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could not be taken for listing of the matter before the Hon'ble Court.
In view of above, the matter stands adjourned.

Re-notify on next date.

**IA No.9343/2021 u/O XXII R 4 CPC & IA No.9344/2021 for
condonation of delay both IAs qua respondent no.5**

Learned counsel for respondent no.8, who is also LR no.4 of the deceased respondent no.5 is present and accepts notice of the captioned IAs. At request, copy of the captioned IAs be supplied to learned counsel for the LR no.4 of deceased respondent no.5 by the petitioner within two days through electronic mode against due acknowledgement.

Reply, if any, on behalf of already served LR no.1&3 as well as LR no.4 of deceased respondent no.5 be filed within three weeks with copy to opposite side, who is at liberty to file rejoinder, if any, thereto within two weeks thereafter with copy to opposite side.

As per office note, LR no.2 of deceased respondent no.5 is unserved. However, affidavit of service has been filed qua service of LR no.2&4 of deceased respondent no.5, which indicates that said LR no.2 of deceased respondent no.5 is unserved through speed post with report of not available on the address mentioned. LR no.2 is stated to be served through email but the affidavit does not mention that the email on which service was effected is of LR no.2 of respondent no.5 and also no delivery report qua service of said LR is enclosed with the

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affidavit. I am not satisfied with the service of said LR no.2 of deceased respondent no.5.

Issue fresh notice to LR no.2 of deceased respondent no.5 through all permissible modes including electronic mode on taking of steps by the applicant/petitioner and on filing of fresh address, if any, returnable for 28.04.2022.

FEBRUARY 4, 2022/ab

**SHARAD GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)**

Click here to check corrigendum, if any