

COMS No. 18 of 2018

03.06.2020 Present: Mr. Sudhir Thakur, Sr. Advocate with Mr. Karun Negi, Advocate, for the plaintiff through Video Conferencing.

Mr. Satyen Vaidya Sr. Advocate with Mr. Vivek Sharma, Advocate for defendants No. 1 and 2 through Video Conferencing.

OMP No. 115 of 2020

This application has been filed for service of defendants No. 3 to 5 with prayer to allow the plaintiff to serve them through substituted service by way of publication on the ground that address given in memo of parties is last known address of these defendants, but, they are keeping themselves out of way with only purpose to avoid the service and it is not possible to serve them in ordinary manner and in these circumstances, prayer has been made for allowing the application. These defendants are residents of Jalandhar (Punjab).

As per report received on notices issued to defendants No. 3 to 5 in July 2018, it is mentioned that they were not available being out of country. Learned counsel for plaintiff submits that as per instructions received by him, they are not out of country but residing on the address given in memo of parties, but, to avoid service they have managed the report. Defendants No. 3 to 5 are none, but brothers of defendant No.2. But defendant No.2 is residing in village, whereas, address of defendants No. 3 to 5 is of Jalandhar city.

Treating the submissions made by learned counsel for plaintiff to be true, this application is allowed and defendants No. 3 to 5 are permitted to be served by way of substituted service i.e. by way of publication in newspaper having wide circulation in the area of last known address of defendants No. 3 to 5.

Application stands disposed of.

OMP No. 116 of 2020

This application has been filed for deletion of name of defendant No.6 Ranjit Kaur from array of defendants on the ground that she has expired as evident from report received from Process Serving Agency on the notice issued to her. No objection has been communicated by learned counsel for appearing defendants for deleting her name.

In view of above, name of defendant No.6 is ordered to be deleted from array of defendants.

Application stands disposed of.

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Amended memo of parties be filed within two weeks, as prayed for.

Steps for service of defendants No. 3 to 5, in terms of order passed in OMP No. 115 of 2020, be taken within two weeks. On taking such steps, these defendants be served accordingly.

In addition, service also be affected by way of affixation.

June 03, 2020
(ms)

(Vivek Singh Thakur)
Judge