

**Anil Mohil and another vs. Paritosh Chauhan
and others**

CR No. 186 of 2024

15.07.2025 Present: Mr. Karan Singh Kanwar, Advocate, for the petitioners.
Mr. Sunil Mohan Goel, Sr. Advocate, with Mr. Abhinav Mohan Goel, Advocate, for the respondents.

CMP No. 15983 of 2025

Respondents No. 5 to 8 by way of the present application are sought to be served through substituted process. From a perusal of the record, it is evident that respondents No. 5 to 8 were not parties before the trial Court. In the trial Court, it was their predecessor-in-interest one Sh. Pinki who had been impleaded as defendant No. 5 before the trial Court. On account of his death, Respondents No. 5 to 8 were impleaded as party respondents before the appellate Court, where they were duly represented by a counsel.

Other than the aforesaid, from the record of the Regular Second Appeal preferred against the judgment passed by the 1st Appellate Court, it is evident that they were duly represented before the High Court in the Regular Second Appeal also.

From a perusal of the impugned order passed in the execution proceedings, it is evident that insofar as respondents No. 5 to 8 are concerned, they have been proceeded against ex parte.

In the aforesaid facts and attending circumstances, all attempts and endeavours to serve them at their address mentioned before the 1st Appellate Court and the High Court have failed and they could not be served. Subsequent thereto, the applicant has been able to trace the present respondents at New Delhi, address thereto was furnished, but it appears that respondents could not be served therein. From the aforesaid, it is evident that respondents No. 5 to 8 have keeping out of way for the purpose of avoiding service & in the said circumstances they cannot be served through the ordinary process.

In view thereof, let respondents No. 5 to 8 be served by way of affixation of the notice on the last known address provided by the applicant and simultaneously let respondents No. 5 to 8 be served through publication in the "Amar Ujala Delhi Edition". Steps for the service through the aforesaid mode be taken within one week. Let respondents No. 5 to 8 be served for 21st August, 2025.

The Publisher of the newspaper is directed to send the printed material under the postal certificate to respondents No.5 to 8, on their given addresses, the proof whereof, be submitted to this Court on or before the next date of hearing. The application stands disposed of.

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Learned counsel appearing on behalf of the petitioner submits that correct address for service of respondent No.4

stands filed, if so, notice “be issued” to the said respondent on the address provided, made returnable for 21.8.2025.

(Bipin C. Negi)
Judge

15th July, 2025
Tarun