

**Court No. - 53**

**Case :-** SECOND APPEAL No. - 963 of 1999

**Appellant :-** Jitendra Kumar Jain

**Respondent :-** Lala Sudershan Chandra Jain And Others

**Counsel for Appellant :-** Prakash Krishna, Ankit Saran, Ashish Agrawal, K. Shailendra, S.K. Jauhari, Salil Kumar Rai, Udai Chandani

**Counsel for Respondent :-** Deo Raj, K.M. Garg, Manish Dev Singh, Manoj Kumar Gupta, Sankatha Rai

**Hon'ble Vivek Agarwal, J.**

As per the office report dated 20.12.2017, notice on respondent no. 9/5 could not be served for the reason that he was living on the given address as a tenant and has left the place. Thereafter vide order dated 06.07.2018, the coordinate Bench of this Court accepted that service on respondent no. 9/2 by the registered post is deemed to be sufficient i.e., respondent no. 9/2 was deemed to be served and there was a direction to supply the correct address of respondent no. 9/5.

As per the office report dated 19.11.2019, an undelivered cover has been returned after service along with post office report in regard to respondent no. 9/5 mentioning thereunder "refused to accept". In view of such endorsement by the post office, respondent no. 9/5 is deemed to be served.

As none of the proposed respondents/legal heirs of respondent no. 9 are appearing after service of notices, application under Order 22 Rule 4 of C.P.C. for substitution of legal representatives is allowed.

Let necessary correction be carried out within seven days from today.

Learned counsel for respondent no. 12 submits that this is an admitted appeal which is not disputed by learned counsel for the appellant.

List this appeal for final hearing, as per its turn and seniority.

**Order Date :-** 21.11.2019

Vikram/-