

OD-3

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/133/2016

KHAITAN INDIA LIMITED AND ANR.
VS
KULDEEP MEHTA AND ORS.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date: 21ST DECEMBER, 2022

Appearance:
Mr. Imtiyaj Ahmed, Adv.
Mr. Rajesh Upadhyay, Adv.
..for the plaintiff

Mr. Rishad Medora, Adv.
Mr. Abhirup Chakraborty, Adv.
..for the defendant No. 2

The Court: Counsel for the plaintiff and Counsel for the defendant No. 2 are present.

Counsel for the defendant No. 2 submits that the defendant has received this written statement duly affirmed by the defendant No. 2 but the said written statement was affirmed at Delhi on 1st December, 2022. It was affirmed in the Deed paper and not in the executive A4 Size paper.

Counsel for the defendant No. 2 prays for accepting the written statement affirmed by the defendant No. 2 in the Deed paper.

In view of the submission made by the counsel for the defendant, let written statement affirmed by the defendant No. 2 be accepted within a period of two days from date.

Counsel for the plaintiff submits that the service of writ of summons could not be effected upon the defendant No. 1 in terms of the report Deputy Sheriff of Calcutta on 6th June, 2022 and prayed for substituted service by publishing the same in regional English newspaper as the defendant No. 1 is residing at Delhi.

In view of the submission made by the Counsel for the plaintiff, leave is granted to the plaintiff for service of Writ of Summons upon the defendant No. 1 by way of publication in the English & Hindi Newspapers at New Delhi.

Let the matter appear on 7th February, 2023.

(KRISHNA RAO, J.)

Sbghosh