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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 373/2017 & IA No. 9267/2017**
MRS. POOJA GUPTA & ORS Plaintiff

Through: Mr. Brijesh Kr. Advocate

versus

MRS. SUJATA AGGARWAL & ORS Defendant
Through: Mr. Sanjay Kothiyal Advocate for D-1(Enrolment no. D2050/11)
Mr. Kartik Advocate for D-2, 5 to 7

CORAM:
SH. PANKAJ GUPTA (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER

% **24.10.2017**

The plaintiff has filed the affidavit of service. The plaintiff has not filed the affidavit of compliance of provisions of Order 39 Rule 3 CPC. As requested, the plaintiff is directed to file the said affidavit within 3 days from today.

Learned counsel for defendant no.1 submits that he has filed the vakalatnama and the application under Order 8 Rule 1 CPC. Learned counsel for plaintiff submits that he has received the copy of the application. No such application is on record. However, to expedite the proceedings, learned counsel for the plaintiff is directed to supply deficit documents to learned counsel for the defendant no.1 within 3



days from today. Defendant no.1 is directed to file the written statement/reply within four weeks from today to be followed by replication/rejoinder if any within the next two weeks.

Learned counsel for defendants 2 and 5 to 7 submits that he has filed the vakalatnama along with written statement/reply. However, as per office report, the same has been returned under objection. Accordingly, he is directed to contact the registry and get the objections removed and re-file the same within 3 days from today. Replication/rejoinder, if any, be filed within two weeks from today.

As per office report, ordinary summons and speed post sent to the defendant no.3 have been received back un-served with the report ‘ *no such person*’. Learned counsel for plaintiff submits in terms of the courier report filed along with the affidavit of service, the summons stands delivered. It is not mentioned to whom the said summon was delivered. In the given circumstances, I am of the opinion that the said delivery report does not amount to service of the defendant no. 3. At this stage, learned counsel for the plaintiff seeks time to ascertain the fresh whereabouts of the defendant no.3 otherwise to move an application seeking substituted service.



Heard. Request allowed.

As per office report, summons sent to defendant no.4 has been received back with the report that mother of the defendant no.4 i.e. defendant no.1 in the present case has refused to accept the summons. In view thereof, defendant no.4 is deemed to have been served. In the interest of justice, one opportunity is granted to the defendant no.4 to file the written statement/reply within four weeks from today to be followed by replication/rejoinder if any within the next two weeks.

The parties shall file their complete original documents within four weeks from today to be followed by their admission/denial affidavits within the next two weeks.

Relist for completion of pleadings and for admission/denial of documents on 07.12.2017.

SH. PANKAJ GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

OCTOBER 24, 2017/hk