

In The Court of Shivali Sharma
Additional District Judge03 (West)
Tis Hazari Courts, Delhi.

Suit No.CIV/DJ:

Rajat Saini vs Mamta Sharma & anr.

THROUGH WEBEX VIDEO CONFRENCING

Date: 30.05.2020

Present: Shri Hitesh Mehra, counsel for plaintiff
(Mobile number: 8447784898)
(E-mail ID: legalsolutionwork,hm739 @gmail.com)

An affidavit of service on the defendants has been filed by the plaintiff stating therein that service has been affected on the defendants by way of SMS and whatsapp on mobile no. 9212184129, The affidavit also states that electronic record regarding the delivery of whatsapp message has been annexed the same with the affidavit. However, they are not filed. Today, the Asstt, Ahalmad of the court Ms Meenakshi had tried to contact the defendant on the mobile number provided in the affidavit of service but despite repeated calls the number was switched off and not responding. In the absence of any proper electronic record regarding the service, it cannot be deemed a proper service to the defendant.

During the submissions on the application u/o 39 rule 1 &2 CPC as well as the case, it is submitted by the ld.counsel for the plaintiff that inadvertently certain important details regarding the ownership of the property in question as well as the locus of the plaintiff have not been mentioned in the plaint and he seeks

Jar
30/05/2020

an adjournment for filing an appropriate application u/o 6 rule 17 CPC for amending the present plaint. Also perusal of the record shows that the property documents i.e. sale deed in favour of one Vidhya Rani of the year 1966 as well as map of Ram Darbar Mandir filed on record are not legible. The map is completely illegible. Even the scanned copy of handwritten complaint filed on record are not legible. Accordingly, plaintiff is also directed to file the legible copies of the documents relied upon by him so that arguments can be properly heard. The plaintiff is also directed to get the service of the amendment application affected upon the defendant at least 2 days prior to the NDOH and to file proper affidavit of service alongwith proof of service before the next date of hearing.

On request, put up on 04.06.2020 for further proceedings.

Copy of this order be uploaded on web site and be also sent on the e-mail ID of the counsel for the plaintiff by the filing section.

Jan 30/05/2020
Shivali Sharma
Additional District Judge-03 (West)
Tis Hazari Court