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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 194/2016 and CM No. 24242/2016 (stay)**

VED PRAKASH YADAV

..... Appellant

Through

Mr. R.M. Sinha, Mr. Sandeep Khatri
and Ms. Anu, Advocates.

versus

Y S DADWAL & ORS

..... Respondents

Through

Mr. Rahul Sharma, Mr. Jyoti Dutt
Sharma and Mr. C.K. Bhatt,
Advocates for respondent Nos. 1 to 3
and 5 to 9.

Mr. Kailash Prashad Pandey,
Advocate for respondent Nos. 13, 15
and 16.

Mr. Aishwarya Kaushiq, Advocate
for respondent Nos. 18 and 19.

Mr. Rajender Singh Mann, Advocate
for defendant No. 23.

Mr. Virender Mehta, Mr. Gautam
Mehta, Advocates for respondent No.
28.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

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28.04.2017

After some hearing, learned counsel Mr. R.N. Sinha,, Advocate submits that he would satisfy if the respondent Nos. 13, 15 and 16 namely Gopal Chand Sharma, Rajesh Kumar Jogi and Mr. Amarjit Singh Meena respectively agree to pay some cost to the Delhi High Court Legal Services

Committee, for the delay in filing of the written statement.

Learned counsel for the said respondents states that to settle the matter, the said respondents are ready and willing to pay the cost as imposed by this Court for the delay in filing of the written statement.

The said respondents will pay Rs.2,000/- each to the Delhi High Court Legal Services Committee for the delay in filing of the written statement.

Learned counsel for the appellant states that the defendant/respondents Nos. 4, 10, 34 and 35 have been personally served. The order sheets reveal that Mr. Rahul Sharma, Advocate had entered appearance on their behalf.

Mr. Rahul Sharma, Advocate has however stated that he had entered appearance on the assumption that he being a counsel for Delhi Police would be appearing for them. He submits that the defendant/respondents Nos. 4, 10, 34 and 35 namely Sunil Kumar Sharma, Ravinder Yadav, Rakesh and Mohinder Singh respectively have not been personally served.

It is open to the appellant to file an application to show and establish that the said respondents were individually/personally served with the court notices. Service on a third person in the department/office is not sufficient. In the absence of any specific finding of the Court to the contrary, the said respondents/defendants must be personally served.

The appeal is disposed of. No costs.

SANJIV KHANNA, J

ANIL KUMAR CHAWLA, J

APRIL 28, 2017/rs