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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 8th May, 2018

+ C.R.P. 97/2018 & CM Nos. 19034-35/2018

VEENA BAHL & ORS. Petitioners

Through: Mr. Mohit Chaudhary & Mr.
Kunal Sachdeva, Advs.

versus

MANMOHAN BAHL & ORS. Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioners are plaintiffs of the civil suit (presently registered as CS No. 1110/2017) which was initially filed on the original side of this Court, it having been registered here as CS (OS) 3275/2014. The suit seeks reliefs in the nature of declaration, cancellation and injunction vis-à-vis shares of seventh respondent (a company) alleging corporate fraud and misuse of fiduciary powers, malfeasance and mis-appropriation by the first and second respondents. The suit was transferred, on change of pecuniary jurisdiction, to the district court and is pending at the stage of service. The sixth respondent is the sixth defendant in the suit, her particulars having been given in the plaint as “Ms. Indra Goswami, through M/s Parmodh Kumar Bros. Pvt. Ltd. 11 Temple Road, Bhogal, New

Delhi”, the transfers of shares held in her name also having been questioned. Noticeably, the address of sixth respondent is shown to be same as that of the seventh respondent. The summons issued in her name at the said address, intended to be served through the company, however, returned. On the request of the petitioners, directions were given to the seventh respondent to disclose the last known address of the sixth respondent and in response it was stated that, as per the company record, she was resident of A-2, Jangpura Extension, New Delhi – 110014. It is the petitioner’s case that this information is incorrect as the said property of Jangpura Extension used to be the address of the plaintiffs.

2. Against the above backdrop, an application was moved for permission for substituted service under Order V Rule 20 of the Code of Civil Procedure, 1908 by publication in newspaper. This application was dismissed by the trial judge by order dated 19.03.2018 which is assailed by the petition at hand.

3. Having heard the learned counsel for the petitioners and having gone through the record, this Court finds no error or infirmity in the view taken by the trial court. The seventh respondent (the company) has shared with the petitioners (plaintiffs of the case), the information available with them vis-à-vis the sixth respondent, an erstwhile shareholder. If the said information is incomplete or incorrect, it is the petitioner’s obligation to carry out the necessary groundwork and find out the present, or last known, correct address of the sixth respondent. It was improper to expect, the company to accept the summons on behalf of its erstwhile shareholder in the first place. The counsel, on

being asked, conceded that no effort has been made to ascertain better particulars of the sixth respondent from the office of Registrar of Companies where also such information may be available.

4. No case yet is made out for substituted service to be allowed.
5. The petition is, thus, dismissed in *limine*.

R.K.GAUBA, J.

MAY 08, 2018

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