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

% ***Date of decision: 19th September, 2024***

+ **CM(M) 666/2023 & CM APPL. 20717/2023**

SWATI KHANDELWAL & ANR.Petitioners

Through: **Mr. Arvind Gupta with Mr. Atul Kharbanda, Advocates.**

versus

INSTITUTE OF PSYCHIC AND SPIRITUAL RESEARCH & ORS.

.....Respondents

Through: **Mr. Rajshekhar Rao , Sr. Advocate with Mr. Devashish Chauhan, Mr. Paras Mittal and Mr. Tushar Tyagi, Advocates.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Respondent No. 1 herein i.e. Institute of Psychic and Spiritual Research filed a suit against 18 defendants including defendant No. 2 (Smt. Swati Khandelwal) and defendant No. 8 (Sh. Rakesh Khandelwal).
2. The present petition has been filed by said two defendants as their applications moved under Order IX Rule 7 CPC have been dismissed by the learned Trial Court vide order dated 24.04.2023.
3. Heard. Record perused.
4. Initially, when the above said suit was filed, the address of said two defendants was shown as that of the address of the plaintiff Society only i.e



22, (Part) Sardar Patel Marg, New Delhi-110021. It seems that during course of the pendency of the above said suit, since any alternate address of the said two defendants was not known to the plaintiff, they even requested the learned Trial Court to ask the other defendants to reveal any such alternate address.

5. Be that as it may, later on, amended memo of parties was filed by the plaintiff society in which the address of defendant No. 2 and 8 was shown as Sector-38/4, Gurgaon, Haryana.

6. Mr. Rao, learned Senior Counsel for plaintiff, on instructions, and, in all fairness, admits that though there was a substituted service by way of publication upon said two defendants but before that, the ordinary process was never sent to them at such address of Gurgaon.

7. While conceding to the above factual position, he states that he would have no objection if the said two defendants are permitted to participate in the above said suit filed by the plaintiff society.

8. This Court has also gone through the record and it seems obvious that there was straight way a publication (through Newspaper) upon said two defendants, without there being any attempt being made to serve them in an ordinary manner.

9. Keeping in mind the overall facts of the case and also the gracious concession given by Mr. Rao, learned Senior Counsel for plaintiff/respondent, the impugned order is hereby set aside and as a necessary corollary, both the aforesaid defendants i.e. defendant No. 2 (Smt.



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Swati Khandelwal) and defendant No. 8 (Sh. Rakesh Khandelwal) are permitted to participate in the above said suit.

10. They both shall file their written statement within 30 days from today, with advance copy to the other side.

11. Learned Trial Court would take such written statement on record and would, accordingly, proceed further with the suit in accordance with law.

12. Since the matter has already got delayed considerably, learned Trial Court is requested to make best effort to ensure that the matter is disposed of as expeditiously as possible.

13. Petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 19, 2024/sw