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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 759/2025, CM APPL. 24845/2025 & CM APPL. 24846/2025
SOMVIRPetitioner

Through: Ms. Payal Jain with Mr. Sumit Kumar,
Mr. Anish Poddar, Advocates along
with petitioner.

versus

ASHU SHARMARespondent

Through: None.

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+ CM(M) 763/2025, CM APPL. 24887/2025 & CM APPL. 24888/2025
KRISHAN LALPetitioner

Through: Ms. Payal Jain with Mr. Sumit Kumar,
Mr. Anish Poddar, Advocates along
with petitioner.

versus

ASHU SHARMARespondent

Through: None.

+ CM(M) 765/2025, CM APPL. 24895/2025 & CM APPL. 24896/2025
HARISH CHAND GIRIPetitioner

Through: Ms. Payal Jain with Mr. Sumit Kumar,
Mr. Anish Poddar, Advocates along
with petitioner.

versus

ASHU SHARMARespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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28.04.2025

1. Petitioner(s) have suffered a decree of injunction in all the abovesaid three matters.
2. All such decree are *ex-parte* in nature.
3. The petitioners/defendants in all the above said three matters, moved application(s) seeking to set aside such *ex-parte* decree. When such

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application moved under Order IX Rule 13 CPC was taken up by the learned Trial Court on 05.03.2025, it directed the applicants to lead evidence and now the matter is fixed for applicants' evidence on 21.05.2025.

4. The applicant has been directed to call concerned Process Server and Postman.

5. Learned counsel for the applicant submits that a bare perusal of the process report would indicate that the service was not valid and proper and, therefore, there was no requirement of directing the applicant to lead any evidence in the matter. In this regard, she also strongly relies upon the observations appearing in order dated 21.11.2024 passed by learned First Appellate Court in RCA DJ No. 49/2024, RC DJ No. 50/2024 and RC DJ NO. 51/2024.

6. During course of arguments, learned counsel for petitioners/defendants also apprehended that the Process Server would, rather, be a witness of the plaintiff and the reverse burden has been put upon the applicant to call him.

7. I need not emphasis that Process Server, being a public servant, for all practical purposes, is neutral and independent witness. He is only required to make deposition with respect to the report given by him. Though, it will be the duty of the applicants to call such Process Server, if required, the applicants are always at liberty to make appropriate request before the learned Trial Court seeking permission to put leading questions to such Process Server and learned Trial Court can always consider any such request in accordance with law and, if required, it can give requisite permission. Same stands true for the concerned Postman also.

8. After hearing arguments for some time and in view of the abovesaid

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observation, learned counsel for the petitioner, without prejudice to her rights and contentions, does not press the present petitions.

9. The same are accordingly disposed of as not pressed.
10. All rights and contentions are left open.
11. Pending application, if any, stands disposed of.

MANOJ JAIN, J

APRIL 28, 2025/sw/SS

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