

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

RP No. 1079 of 2018

(MUNICIPAL CORPORATION GWALIOR THR. Vs M/S GLEG ENGINEERS PVT. LTD. THR. AND OTHERS)

Dated : 07-10-2025

Shri Parth Dixit - Advocate for applicant.

On 21.08.2025, following order was passed:

"Notice by registered post issued to respondent No.1 has been received back without any clear endorsement. However, it is submitted by counsel for applicant that it appears that respondent No.1 is avoiding the service of notice and prays for service of notice by substituted mode by publication.

Accordingly, prayer is allowed and a week's time is granted to file an application under Order 5 Rule 20 of CPC for service of notice on respondent No.1 by substituted mode by publication.

List thereafter"

It is fairly conceded by counsel for applicant that although office of the Municipal Corporation, Gwalior, is situated within the periphery of 3 km from the building of the High Court, but still no application under Order 5 Rule 20 CPC has been filed, and prays for further time.

The Courts are not meant for adjourning the case just for the convenience of the parties. If the Municipal Corporation could not file an application under Order 5 Rule 20 CPC even after expiry of more than one month, then Municipal Corporation has to face the consequences of dismissal in default.

At this stage, it is submitted by counsel for applicant that time may be granted subject to payment of cost.

Looking to the fact that Municipal Corporation, Gwalior, has shown total disregard to the Court proceedings, further time can be granted only on payment of cost of Rs.25,000/- (Rupees Twenty Five Thousand only) to be deposited by the O.I.C. from his own pocket which shall not be reimbursable by the State.

Cost to be deposited in the Registry of this Court by tomorrow (08.10.2025).

Application under Order 5 Rule 20 CPC may also be filed by tomorrow.

In case if the cost is not deposited or the application under Order 5 Rule 20 CPC is not filed, then this review petition shall stand dismissed without any reference to the Court.

If the cost is deposited and application under Order 5 Rule 20 CPC is filed by tomorrow, then list this case on 13.10.2025.

**(G. S. AHLUWALIA)
JUDGE**

AKS