

mdp

Before : Shri K.K. Trivedi,
Addl. Registrar (O.S.)/
Addl. Prothonotary and Senior Master

Date : 25th June, 2019

CALLED FOR DIRECTONS:

21. CTSL/24/2019
TP/2468/2018

Ms. G. Upadhayay i/b Ms. Meghana
M. Kadam, Advocate for petitioner.

Mr. Ravindran Nair, Advocate for caveatrix.

P.C.: 1. Perused the Caveat filed by the caveator. In the Caveat, nothing has been stated as regard, the service upon him. Perusal of the records also shows that though Citation were issued, the affidavit of service is not filed on record by the Advocate for the petitioner. There is also a Office report which suggests that the Caveator should apply for Legal Aid and he is entitled to seek proper legal assistance. This is for the reason that he is not conversant with the procedure and the law. The Caveat is lodged along with the precipe on 28.1.2019. Advocate for the petitioner after verifying her record states that somewhere in March 2019 Citations has been served.

2. This otherwise proves that the Caveat is filed within the time in Normal circumstances petition could have been

converted into suit by passing appropriate orders by me. However, one final opportunity is granted to the Advocate for petitioner, if settlement can be arrived at (Though the Advocate for petitioner has submitted no settlement is possible.) for the final opportunity for the Caveator to remain present. Adjourned for two weeks. Subsequently, my attention is drawn by the Advocate for the petitioner to the fact that the packet containing Citation was served in the Office of Sheriff on 7.1.2019. The question is when the service has been effected by the Office of the Sheriff upon the Caveator.

3. Adjourned for two weeks.

Addl. Registrar (O.S.)/
Addl. Prothonotary and Senior Master