

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR B.SUDHEENDRA KUMAR

Petition(s) for Special Leave to Appeal (Civil) No(s).16720/2005

LALMUNI DEVI & ORS.

Petitioner(s)

VERSUS

JAGDISH TIWARY & ORS.

Respondent(s)

(With appln(s) for substitution for bringing on record the legal heirs of the deceased respondent No. 31

and prayer for interim relief and office report )

WITH SLP(C) NO. 16761 of 2005

(With prayer for interim relief and office report)

Date: 05/05/2006 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Anil K. Jha,Adv.

For Respondent(s)

Mr. R.P. Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

The petitioner has filed Interlocutory Application No.17 /2006 praying for permitting the

petitioner to serve notice on the unserved respondent Nos. 6, 13, 14, 15, 17, 18, 20, 21, 23, 24, 26, 27 and

28 by publication in 'Aaj' and 'Hindustan Times' dailies.

Heard. I have also perused the application.

It is stated in the application that even though notice was sent by Registered post to the

above respondents, neither the acknowledgement card nor the unserved envelope was returned even

after a period of thirty days. It is further alleged in the application that despite earnest efforts taken by

the petitioners to serve notice on the above respondents, notice could not be effected as the above

respondents were evading intentionally the process of law. Having gone through the averments in the

application in

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the light of the submission of the learned counsel for the petitioner, I am satisfied that this application

has been filed on the sole reason that notice could not be served on the above respondents by any other

normal mode of service. In the said circumstances, I am inclined to allow this application subject to a

further direction that notice to be effected on the said respondents by affixation in their last known

address as well. It is further stated in the application that 'Aaj', Hindi daily and 'Hindustan Times',

English daily are having wide circulation in the place of residence of the above respondents.

In the result, this application stands allowed and it is ordered that notice on the above

respondents be served by publication in 'Aaj' and 'Hindustan Times' dailies. The process shall be given

as dasti to the petitioner who shall file affidavit in proof of publication along with newspapers within

four weeks. The process for affixation shall be sent to the District Judge concerned.

The petitioners have filed applications for bringing on record the legal heirs of the deceased

respondent Nos. 10, 29 and 31. The petitioners have also filed applications for condoning the delay in

filing the above said applications and also for setting aside the abatement. The above applications are to

be placed before the Hon'ble Judge in Chambers.

Place the substitution applications along with the delay condonation petitions and the

applications for setting aside the abatement before the Hon'ble Judge in Chambers.

EENDRA KUMAR)

(B.SUDH

Registrar

hj