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ITEM NO.127

REGISTRAR COURT.1

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 527 OF 1998
BEFORE THE REGISTRAR S.G. SHAH

ACTION COMM.FOR IMP.OF SRIKRISHNA R.&ORS Petitioner(s)

VERSUS

U.O.I. & ORS Respondent(s)
(With appln(s) for intervention, recalling the court's order)
WITH W.P(C) NO. 164 of 1999
W.P(C) NO. 182 of 2001
W.P(C) NO. 40 of 1999
W.P(C) NO. 542 of 1998

Date: 11/07/2012 This Petition was called on for hearing today.

For Petitioner(s)

Ms. Binu Tamta, Adv.
Dr. Nafis A. Siddiqui, Adv.
Mr. Shakil Ahmed Syed, Adv.
Ms. Jyoti Mendiratta, Adv.

For Respondent(s)

Ms. Binu Tamta, Adv
Mr. Mohit Paul, Adv.
Mr. P. Parmeswaran, Adv
Mr. V.N. Raghupathy, Adv
Mr. P. Parmeswaran, Adv.
Mr. Shivaji M. Jadhav, Adv.
Mr. V.N. Raghupathy, Adv.

For Intervenor

Ms. Garima Bajaj, Adv.
Mr. Ejaj Maqbool, Adv.

UPON hearing counsel the Court made the following

O R D E R

It is unfortunate that the matter of the year 1998 is struck for listing before the Hon'ble Court even after Court's order dated 31.3.2010 to list the matter before the Hon'ble court in the month of August, 2010 because of the fact

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that at least in one of the writ petition being WP(C) No.527/1998, notice for making alternative arrangement to the original petitioner could not be served because their Advocate, Mr. Anis Suhrawardy expired on 24.1.2012.

The office report says that the petitioner Nos.3, 4 and 5 could not be served in such writ petition. On verification, it has been found that at least for respondent No.3 proper, better and residential address is not disclosed at all in the writ petition itself. Practically for such reason such petition should not have been registered at the relevant time. However, when it was registered and adjudicated till date, since we are unable to confirm service upon such petitioner, there is no option but to list the matter before the Hon'ble Judge in Chambers for appropriate directions either to direct respondent No.3 to disclose the better and correct information of petitioner No.3, since respondent No.3 is very well in a position of such information.

So far as petitioner Nos.4 and 5 are concerned, let there be a fresh notice for making alternative arrangement which is to be forwarded through the City Civil and Sessions Court, Mumbai for confirming service upon such petitioner

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through the local Process Server even by affixing the same at the given address, if it could not be served in due course, considering the fact that it is the primary duty of the concerned litigant to disclose the better and correct address on record and whenever there is change in such address, again it is their duty to disclose such change on record. If such information is not disclosed on record, there is no option but to affix the notice at the last reported address, which is there in the cause title of the petition. For confirmation of notice upon petitioner Nos.4 and 5, list before this court on 1.8.2012. Dasti notice must be issued at the earliest, without fail with the request to the City Civil and Sessions Court to serve the respondents before 1.8.2012, in view of Court's order to list the matter before the Court in the month of August, 2010.

SO far as petitioner No.3 is concerned, the matter shall be listed before the Hon'ble Judge in Chambers.

		(S.G. SHAH)	
		REGISTRAR	
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