

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 S.G. SHAH

Petition(s) for Special Leave to Appeal (Cr1) No(s).535/2009

POHP SINGH & ORS.

Petitioner(s)

VERSUS

STATE OF HARYANA
(With appln(s) for bail)
WITH SLP(Cr1) NO. 1821 of 2009
(With office report)

Respondent(s)

Date: 08/09/2010 This Petition was called on for hearing today.

For Petitioner(s)

- Mr. Anurag Dubey, Adv.
- Mr. S.R. Setia, Adv.
- Mr. Bhupender Yadav, Adv.
- Mr. R.C. Kohli, Adv.

For Respondent(s)

Mr. S.R. Setia, Adv.

UPON hearing counsel the Court made the following
O R D E R

It is very unfortunate that the learned Advocates,
who are appearing for the parties are stating that they could
not help the court in proceeding further in absence of office
report.

It is very much unfortunate that even they want the
facts, which must be certainly within their knowledge, like
when they have filed proof of service and what is the outcome
of service. They want that such information is to be conveyed
to them by separate office report from the Registry.

It is quite obvious and clear that the information
which is very well on the record about the concerned
respondent in form of the documents filed by them is very well
within their knowledge and they must be aware about such
facts.

Unfortunately, they are expecting same information
in the form of office report and do not want to proceed
further in the matter.

In the present case, proof of service is filed only on 24.7.2010 whereas the learned counsel for the petitioner states that it was filed before five months.

The date of

attestation of affidavit is only 23.7.2010, and affidavit is not as per the provision of Code of Civil Procedure, when unserved respondent has refused to accept the notice.

It is repeatedly order in several matters and it is repeatedly requested to all the Advocates at Bar that whenever litigant refused to accept notice, it is required to be affixed at the given address in presence of two independent witnesses as provided under the Code of Civil Procedure and to file proper affidavit to that effect.

Unfortunately, in every next matter, some affidavits are filed with the simple statement that respondent has refused to accept the notice and then the learned Advocates

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appearing for the petitioner are, without referring to such provision press that notice is to be considered as deemed served.

The learned counsel for the petitioner states that the matter may be listed before the court even in absence of proper proof of service.

Let the matter be listed initially before the Hon'ble Judge in Chambers for non-prosecution against the unserved respondents.

(S.G. SHAH)
REGISTRAR

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