

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 (Crl) No(s).882/2006

MAHAVIR SINGH

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(With appln(s) for stay

Date: 27/07/2006 This Petition was called on for hearing today.

For Petitioner(s) Mr. R.K. Sinha, Adv.

Mr. Dharmendra Kumar Sinha,Adv.

For Respondent(s) Mr. Ritu Raj Biswas, Adv.

Mr. Gopal Singh,Adv.

Mr. Varun Mathur, Adv.

UPON hearing counsel the Court made the following

O R D E R

It appears from the Office Report that the affidavit of dasti service filed by the petitioner

would show that respondent No.2 had refused to accept the dasti notice. The learned counsel f or the

petitioner has argued that the said refusal should be treated as deeme d service of notice on

respondent No.2.

I have considered the said submission of the learned counsel carefully.  
Since there is no

provision in Rule 9A of Order V of C.P.C corresponding to the proviso to sub-rule (5) of Rule 9 of

Order V C.P.C. to pass any such declaration, I am not inclined to accept the said argument of the

learned counsel for the petitioner that there must be deemed service of notice on respondent No.2.

The petitioner shall take fresh steps within ten days to issue notice to unserved respondent

No.2 by registered post A.D.

List again on 21.8.2006.

(B. Sudheendra Kumar)

rd  
rar

Regist