

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 (Civil) No(s).1623/2008

SUMER (D) TR.LRS.& ORS.

Petitioner(s)

VERSUS

BHOLA(D) TR.LRS.& ORS.

Respondent(s)

(With prayer for interim relief )

Date: 06/02/2012            This Petition was called on for hearing today.

For Petitioner(s)

Mr K.K.Jha, Adv.  
Mr. A.S. Pundir,Adv.

For Respondent(s)

Mr. B.K.Satiya,Adv.

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

The ld. Advocate for the petitioner is requesting to consider the refusal of service as proper service. It is stated in affidavit of service filed on 17.1.2012(Para 3) that several respondents have refused to receive the notice and refused to give anything in writing. In Para 5 of such affidavit it is stated that since such respondents have refused to accept notices, their, refusal is tantamount to service on them.

Detailed order for such situation is already passed in SLP(C) No. 24765/2004 on 16.3.2007 confirming that such affidavit cannot be treated as proper proof of service.

Petitioner has to take appropriate steps as per law. Law

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does not permit such refusal to be treated as proper proof of service.

Registry is also repeatedly directed not to list

defective applications before the Court. If defects are not cured in permissible time, such applications shall be treated as not filed at all.

List before the Hon'ble Judge in Chambers for adjudication of application in respect of deceased respondent No.1(i)/(i) is concerned or for abatement against such respondent.

If proper steps are not taken for remaining unserved respondents on or before 27.2.2012, list for non-prosecution against such unserved respondents.

(S.G.SHAH)  
REGISTRAR

hj