

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).3915/2007

SURYA KANT @ NARAYAN RAO

Petitioner(s)

VERSUS

M.P. BOARD OF REVENUE TH. CHAIRMAN &amp; ORS

Respondent(s)

(With appln(s) for c/delay in filing substitution appln., substitution of L.Rs of the deceased respondent, discharge of Advocate-on-Record and prayer for interim relief and office report )

Date: 16/11/2011 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Garvesh Kabra, Adv.

For Respondent(s)

Mr M.P.Singh, Adv.  
Mr. B.S. Banthia, Adv.  
Ms. Pratibha Jain ,Adv

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

The ld. Advocate for the petitioner is present before the Court. He is saying that they have served respondents. On verification it is found that one affidavit of service is filed on record on 1.9.2011. The ld. Advocate present before the Court is not aware about the facts of such affidavit saying that he is proxy Advocate.

On verification of such affidavit it transpires that notice was issued in the name of respondent No.6, namely Sharriefan B, D/o Munshi Khan. It is stated in such affidavit

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that now such respondent has expired and her husband, Sharif Khan has refused to receive the notice. It is further stated that the persons whose names are disclosed in such affidavit are respondent before the Court and therefore, their refusal

is to be treated as proper service. The fact remains that original respondent No.6 is not served as required under law. Such affidavit cannot be treated as proof of service upon respondent No.6. However, considering the contention in such affidavit, if petitioner does not want to confirm service on respondent No.6, there is no option but to list the matter before the Hon'ble Judge in Chambers for non-prosecution against respondent No.6 or for abatement against such respondent.

It cannot be ignored that there is interim stay in favour of the petitioner since 9.3.2007 and matter has been adjourned repeatedly for confirmation of service upon one or another respondent.

Matter is to be listed before the Hon'ble Judge in Chamber for non-prosecution. Registry has to list all dates of listing with brief details that what happened on such dates in as much as, so far as respondent no.6 is concerned.

Matter is pending for confirming dasti service upon her at least since 20.10.2008.

(S.G.SHAH)  
REGISTRAR

hj