

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).7297/2006

THE ORIENTAL INSURANCE CO. LTD. Petitioner(s)

VERSUS

ANGOORI DEVI AND ORS Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office report)

Date: 12/01/2012 This Petition was called on for hearing today.

For Petitioner(s)

Ms Ruchi Bharda Jain, Adv.
Mr. B.K.Satiya,Adv.

For Respondent(s)

Mr.T.V.George,Adv.

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

Registry has to explain in writing to the undersigned that why the matter has not been taken care of after 1.2.2011 till date.

There is an interim order in favour of the petitioner since 17.4.2006. Matter is pending for confirming service on unserved respondents Nos. 1 and 2 since then. At least since 10.11.2009, repeatedly time was granted to the petitioner to confirm service on unserved respondent Nos. 1 and 2. Record shows that respondent No.1 is the original claimant, therefore

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if order dated 17.4.2006 is complied with, then certainly some amount must be invested by the Tribunal in the name of the original claimant and thereby whereabouts of the original claimant can easily be found out through the original Trial

Court/Tribunal. At least since 11.3.2010, matter is pending for confirming service on respondent Nos. 1 and 2 by way of publication in the newspaper. Time was granted again on 23.4.2010. No steps were taken by the petitioner since 25.11.2010 and therefore matter was ordered to be listed for non-prosecution before the Hon'ble Judge in Chambers against respondent Nos. 1 and 2. Application for substituted service which was filed thereafter was also allowed by the Hon'ble Judge in Chambers on 1.2.2011. Thereafter till date, petitioner has not filed proof of publication on record. Almost one year has lapsed. The record shows that unserved respondent No.2 is driver of the vehicle involved in the accident whereas owner is State of Haryana. Therefore, it would be easy for the petitioner to find out the driver of the government vehicle. There is no proof regarding compliance of order dated 17.4.2006 on record i.e., there is no proof that whether petitioner herein has deposited the amount as per such order.

It seems that petitioner is not interested to confirm service at the earliest.

However, considering the fact that registry has received a letter from the Tribune Trust, Chandigarh regarding publication of notice in English newspaper, as last chance, petitioner has to disclose on record about compliance of

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order dated 17.4.2006 as well as to file proof of publication in vernacular newspaper and affidavit regarding service of notice on or before 6.2.2012. If proof of publication and proof of compliance of order dated 17.4.2006 is not filed before 6.2.2012, list before the Hon'ble Judge in Chambers for non-prosecution.

(S.G. SHAH)
REGISTRAR

