

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.9212-9213 OF 2012

State of H. P. & AnotherAppellant

-Versus-

The Recovery Officer, Debt Recovery TribunalRespondent

OFFICE REPORT FOR PRE-FINAL HEARING

It is submitted that there were five respondents in the above-mentioned matter. SLP stands dismissed against Respondent Nos.1, 3 and 5 vide Court's order dated 08th April, 2011 and 13th December, 2010. **Respondent No.2 has been served at SLP stage but no one has entered appearance.**

It is further submitted that service of notice on Respondent No.4 was not complete and advocate for the Appellant failed to take proper steps for the service on said unserved respondent. Accordingly, matter was listed before Ld. Registrar's Court and Hon'ble Judge in Chamber from time to time but Counsel for the appellant failed to take necessary steps. The Office Report on default was lastly placed before Hon'ble Judge in Chamber on 09th December, 2016 when the following orders were inter-alia passed:

“x x x x x.

At the request of the learned counsel for the appellants, four weeks' time is granted by way of last opportunity to comply with the Office Report, subject to deposit of costs of Rs.2,000/- (Rupees Two thousand Only) to the credit of Supreme Court Legal Service Committee within two weeks from today.

Failure to deposit the costs to the credit of Supreme Court Legal Services Committee or in not curing the defects within the time stipulated shall entail in dismissal of these appeals against Respondent No.4 without further reference to the Court.”

The counsel for the Appellant failed to take the steps to cure the defect within time as per order mentioned above and as a result of which **Appeal against Respondent No.4 stand dismissed.**

It is lastly submitted that counsel for the appellant has not filed statement of case despite notice and no one has filed appearance for remaining sole respondent.

The instant appeal is arising out of Writ Petition, question of valuation is incapable. As per amended rules, Appeal is ready for hearing.

The office report listed before the Ld. Registrar for pre-final hearing.

Dated this the 27th day of April, 2017.

ASSISTANT REGISTRAR

Copy to :

Ms. Pragati Neekhara,
Advocate.

ASSISTANT REGISTRAR