

LISTING ON 02.07.2014
COURT NO. 7
ITEM NO. 3

SEC.IV-A

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 21688 OF 2008

WITH

INTERLOCUTORY APPLICATION NO. 1

(Application for condonation of delay in filing SLP)

AND

INTERLOCUTORY APPLICATION NO. 2

(Application for stay)

AND

INTERLOCUTORY APPLICATION NO. 3

(Application for exemption from filing official translation)

AND

INTERLOCUTORY APPLICATION NO. _____

(Application for recalling the order dated 12.07.2012 and 25.03.2014)

Sabiha @ Farida

...Petitioner

-Versus-

Sarwat Wasit & Ors.

...Respondents

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 25.08.2008 when the Court was pleased to pass the following Order:

"Issue notice."

Accordingly, show cause was issued to all the three respondents on 10.09.2008 through Regd. A.D. post. Mr. Shankar Divate, Advocate has on 19.07.2011 put in appearance on behalf of Respondent No. 1, but has not filed counter affidavit till now. Neither A.D. Card nor unserved cover containing the notice has been received back from Respondent Nos. 2 and 3.

Pursuant to the Ld. Registrar's order dated 19.10.2011 fresh show cause notice was issued to Respondent Nos. 2 and 3 through Regd. A.D. post as well as dasti show cause was issued to Counsel for the Petitioner for effecting service on unserved Respondent Nos. 2 and 3. But Counsel for the Petitioner has not filed an affidavit of dasti service so far.

It is submitted that pursuant to the Ld. Registrar's order dated 14.12.2011, the Office Report for Directions dated 17.01.2012 was listed before the Hon'ble Judge in Chamber on 12.07.2012, when His Lordship was pleased to pass the following Order:

*“Perused office report dated 11/17.01.2012.
Issue fresh notice to Respondent Nos. 2 and 3, returnable in ten weeks. Dasti, in addition, is permitted.
It shall be the petitioner's duty to serve Respondent Nos. 2 and 3 on or before 28.09.2012, failing which the Special Leave Petition shall stand dismissed qua Respondent Nos. 2 and 3.”*

It is submitted that A.D. Card duly signed has been received from Respondent No. 3 but no appearance till now. Counsel for the Petitioner has not taken any fresh steps for fresh service on Respondent No. 2. Hence, the SLP has been dismissed against Respondent No. 2. Cause title has been amended accordingly.

Service of show cause notice is completed on the remaining respondents.

Thereafter, the matter above mentioned was again listed before the Ld. Registrar's Court on 25.03.2014 with an Office Report dated 23.03.2014, when he was pleased to pass the following Order:

“Respondent No. 1 has failed to file counter affidavit within the time granted by the Court and as permissible under the rules.

So far as Respondent No. 2 is concerned, SLP has been dismissed against him vide Hon'ble Judge in Chambers' order dated 12.7.2012.

Respondent No. 3 is reported to be duly served through dasti but none appeared nor any steps taken on his behalf.

No further steps required. Registry to process the matter for listing before the Hon'ble Court as per rules.”

It is submitted that Mr. B.S. Banthia, Counsel for the Petitioner has on 17.04.2014 filed an application for stay/directions alongwith annexures and exemption from filing official translation. The said applications have been registered as I.A. Nos. 2 and 3 and tagged with SLP Paper Books.

It is further submitted that Counsel for the Petitioner has on 16.05.2014 filed another application for recalling the Court's order dated 12.07.2012 and 25.03.2014 alongwith zerox copy of power of attorney and same is in vernacular language. Counsel for the Petitioner has not filed translated copy of power of attorney with application for exemption from filing official translation despite this Registry's letter dated 11.06.2104 so far.

As the matter is on board, the unregistered application is being circulated to the Hon'ble Court for its kind perusal.

The matter above mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 1st day of July, 2014.

Copy to: Mr. B.S. Banthia, Advocate
Mr. Shankar Divate, Advocate

ASSISTANT REGISTRAR

ASSISTANT REGISTRAR

-kzd