

**SECTION-IV**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 4897 OF 2006**

**WITH**

**INTERLOCUTORY APPLICATION**

(Application for substitution, Condonation of delay in filing substitution,  
Application for setting aside abatement)

Ambika Prasad Bakshi

...Appellant

**Versus**

Prabhu Dayal Mali & Ors.

...Respondents

**OFFICE REPORT ON DEFAULT**

The matter above-mentioned was listed before the Hon'ble Court on 03.11.2011, when the Hon'ble Court was pleased to pass the following Order:-

**"Respondent no.1 is reported to be dead and Applications have been filed for bringing his legal representatives on record and for setting aside abatement.**

**Let notice of these applications be issued to the proposed legal representatives of the deceased respondent.**

**Matter be listed after proposed legal heirs of deceased respondent no.1 are served."**

It is submitted that Lr. Nos. 1(ii) and 1(iv) have been served and A.D. Cards duly signed have been received.

Neither A.D. Card nor unserved cover have been received in respect of Lr. Nos. 1(i) and 1(iii).

Upon non-service of notice on Lr. Nos. 1(i) and 1(iii), the matter was listed before Ld. Registrar Court on 06.04.2015, when the following order was passed:-

**"Fresh steps for the service of notice by usual mode to the Lrs. of the respondent No. 1 shall be taken by the learned counsel for the appellant within a period of three weeks. Dasti in addition is permitted to be served through the Trial Court the particulars of which shall be furnished by the learned counsel for the appellant within the period prescribed above.**

**List again o 24.7.2015."**

Again, the matter was listed before Ld. Registrar Court on 01.10.2015, when the following order was passed:-

**"The office report indicates that although by order dated 24.7.2015 of this Court four weeks time as last chance was given to the Learned Counsel for the appellant to take fresh steps for the service of notice to the Respondent No.1, yet he has not done the needful within the period stipulated in the order. Viewed in that context, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further future directions. Await orders. List thereafter."**

It is submitted that Counsel for the Appellant has neither taken fresh steps for service by usual mode nor furnished particulars of Trial Court for effecting dasti service on unserved Lr. Nos. 1(i) and 1(iii).

The Office Report on default is listed before the Hon'ble Judge in Chamber for orders.

Dated this the 23<sup>rd</sup> day of December, 2015.

**ASSISTANT REGISTRAR**

**Copy to:**

1. Ms. Namita Choudhary, Advocate  
C-303, C. K. Daphtray Block Supreme Court,  
New Delhi-1.
2. Mr. A.P. Mohanty, Advocate  
8, Darya Ganj, Delhi-2.
3. Ms. Abha R. Sharma, Advocate  
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New Delhi.
4. Mrs. Santosh Singh, Advocate  
269, Hauz Khas, DDA (SFS),  
New Delhi-16.

**ASSISTANT REGISTRAR**