

SECTION IVB

Chamber Matter

Listed on

Court No.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Item No.

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 9851 OF
2013.

WITH PRAYER FOR INTERIM RELIEF

Late Bachani widow of Sawan Thr. Lrs. Petitioner(s)

Versus

Jangsher Singh & Ors. Respondent(s)

OFFICE REPORT ON DEFAULT

The matter above mentioned was listed before the Hon'ble Court on 25.02.2013, when the following Order was passed:-

“Delay condoned
Issue notice on the special leave
petition and on the prayer for interim
relief.”

Accordingly show cause notice to all the 3 respondents [that are respondent No. 1 & respondent No. 2(i)-(ii)] was issued on 14.03.2015 through Registered A.D. posts. Mr. Devesh Kumar Tripathi, Advocate has filed Vakalatnama & Memo of Appearance on behalf of Respondent No. 1 but no Counter Affidavit has been filed. Unserved cover with remarks 'Refused' and 'No such Person resides at given address' have been received back in respect of Respondent Nos. 2(i) and 2(ii).

It is submitted that completion of service on Respondent No. 2(ii), the matter was listed time and again before the Ld. Registrar's Court and on 05.02.2016, when the following Order was passed:-

“ Four weeks time is given to the
respondent No.1 to file the counter
affidavit.

Four weeks time, as last chance is
given to the learned counsel for the
petitioner to comply with the terms of the
order dated 27.11.2015 of this Court in

respect of Respondent No.2(ii).

Service of notice is complete on the respondent No.2(i) but no one has entered appearance on his behalf.

List again on 28.3.2016."

It is submitted that Dr. Sushil Balwada, Advocate for the petitioner has partly complied with the order dated 27.11.2015 as Counsel has on 09.03.2015 (barred by five days) filed spare copy of SLP for issuance of show cause notice to Respondent No. 2(ii) but has not furnished fresh particulars of Respondent No. 2(ii) as unserved cover with remarks 'No Such Person resides at given address' has been received earlier.

It is submitted that the matter above mentioned was lastly listed before the Ld. Registrar's Court on 28.03.2016, when the following Order was passed:-

" Four weeks time, as last chance is given to the respondent No.1 to file the counter affidavit.

The office report indicates that although by order dated 5.2.2016 of this Court four weeks time, as last chance was given to the Learned Counsel for the petitioner to comply with the terms of the order dated 27.11.2015 of this Court in respect of Respondent No.2(ii), 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."

Service of show cause notice is complete on Respondent Nos. 1 & 2(i) by Advocate and refusal of show cause notice to postal authorities respectively and is not complete on Respondent No. 2(ii).

The office report on default for non compliance of order of the Id. Registrar is listed before the Hon'ble Court (In Chambers).

Dated this the 6th day of April, 2016.

ASSISTANT REGISTRAR

Copy to : Dr. Sushil Balwada, Advocate
430, New Lawyer's Chambers,
Bhagwan Dass Road, New Delhi-110001

Mr. Devesh Kumar Tripathi, Adv.
211, C.K. Daphtary block, Adv.
Supreme Court.

ASSISTANT REGISTRAR

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