

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 B.SUDHEENDRA KUMAR

IA 6/2006 in CIVIL APPEAL NO. 7978 OF 2001

RAN SINGH

Appellant (s)

VERSUS

PREM SINGH(DEAD)& ANR

Respondent(s)

(With appln(s) for directions )

Date: 17/08/2006 This Appeal was called on for hearing today.

For Appellant(s)

Mr. P.D. Sharma,Adv.

For Respondent(s)

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Mr. K.K. Gupta,Adv.

UPON hearing counsel the Court made the following

O R D E R

An application has been filed by the learned counsel for the appellant praying for

effecting service on the proposed legal representative No.1(d) of deceased respondent No.1 by paper

publication.

In the said application, the learned counsel has prayed for effecting publication in the

'Statesman' an English daily and the 'Navbharat Times' a Hindi daily. Thereafter, an affidavit has

been filed by the appellant wherein the appellant has expressed his desire to have the publication

only in the 'Statesman' daily.

Heard.

It is borne out from the records that the notice could not be served on the proposed legal

representative No.1(d) of deceased respondent No.1 by normal mode of service. I am satisfied from

the averments in the

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application that the present application has been filed on the sole reason that notice could not be

served on the proposed legal representative No.1(d) of deceased respondent No.1 under any normal

mode of service.

The learned counsel for the appellant has submitted that this Court may permit the

petitioner to publish notice in the 'Statesman' an English daily and also in the 'Jansatta' a Hindi daily

disregarding the prayer in the application for publication in the 'Statesman' and the 'Navbharat Times'.

Having carefully considered the averments in the application in the light of the averments

in the affidavit and the submission of the learned counsel for the appellant, I am of the view that it is

expedient in the interest of justice to effect publication in 'Statesman' and 'Jansatta' dailies which are

stated to have wide circulation in the place of residence of the proposed legal representative No.1(d)

of deceased respondent No.1. Therefore, I am inclined to allow this application with a further direction

that the notice be served on the above respondent by affixation at the last known address as well..

In the result, this application stands allowed and it is ordered that notice on the above

respondent be served by publication in 'Statesman' and 'Jansatta' dailies. The process for publication

shall be handed over to the petitioner who shall file affidavit in proof of publication along with the

newspapers within four weeks. The process for affixation shall be sent from the office directly to the

District Judge concerned.

List again on 18.9.2006.

(B.SUDHEENDRA KUMAR)

Registrar

hj