

Listed on 26.9.2013
Before Court No.
Item No.

SECTION: XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No. 7383/2005
WITH
PRAYER FOR INTERIM RELIEF

The New India Assurance Co. Ltd. ...Petitioner
Versus
Sonmati Devi & Ors. .. Respondents

OFFICE REPORT

Pursuant to this Court's order dated 4.4.2005, show cause notice to all the 7 Respondents was issued on 19.4.2005 by Regd.AD. Mr. Naresh Kumar, Advocate has filed Vakalatnama/appearance on behalf of the Respondent Nos. 1 to 3 but has not filed counter affidavit so far. SLP against respondent No. 4 (died and Lrs. not brought on record) was abated vide Hon'ble Chamber Judge Order dated 10.12.2008 and SLP against respondent Nos. 6 and 7 has been dismissed vide Hon'ble Chamber Judge Order dated 28.8.2009. Cause title has been amended accordingly.

For non-completion of service on respondent No. 5, the matter was listed before the Court of Ld. Registrar on various dates and lastly listed on 6.1.2010, when the Court was pleased to pass the following order:-

"No counter affidavit is filed by respondent Nos. 1 to 3 and last chance is already over.

SLP as against respondent no.4 abated as per Hon'ble Court's order dated 10.12.2008.

SLP as against respondent Nos. 6 and 7 dismissed as per Hon'ble Court's order dated 28.8.2009.

Petitioner to file process fee and spare copies in a week, as last chance, for issuance of notice to respondent No.5 by registered post with acknowledgment due.

List again on 9.3.2010."

Despite the aforesaid Order, counsel for the petitioner has not filed process fee and spare copies for issuing of notice on respondent No. 5.

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Service is not complete on respondent No. 5.

It is submitted that the matter above mentioned was listed before the Hon'ble Court alongwith connected matter on 15.2.2010 and again on 8.4.2010, when the Court was pleased to pass the following order:-

"Mr. Gopal Subramanian, learned Amicus Curiae requests for some time to get various responses and submit further suggestions by submitting a further report in the matter.

We directed notice to 17 insurance companies. Some of them some are yet to be served. Mr. Atul Nanda, learned counsel appearing on behalf of M/s. Law Associates & Co. undertakes to appear for those general insurance companies which are not already represented.

List the matter in the third week of July 2010 for further hearing.

We are informed that in some appeals pending before the Delhi High Court, similar questions are involved. As this matter is pending before us, we permit the insurance companies to request the Delhi High Court to defer consideration of those matters by a few months."

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

DATED THIS THE 25th DAY OF SEPTEMBER, 2013

DEPUTY REGISTRAR.

Copy to :

1. Ms. Hetu Arora, Advocate
2. Mr. Naresh Kumar, Advocate

DEPUTY REGISTRAR

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