

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 S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).9760/2008

SHAMI Petitioner(s)

VERSUS

SUKH LAL MAURYA & ORS. Respondent(s)

(With appln(s) for substituted service and prayer for interim relief)

Date: 21/07/2011 This Petition was called on for hearing today.

For Petitioner(s)

Mr Balkishan, Adv.
Mr. Goodwill Indeevar, Adv.

For Respondent(s)

Mr. M.K. Dua, Adv.

UPON hearing counsel the Court made the following
O R D E R

The ld. Advocate for the petitioner says that they have served a copy of the application to the concerned Advocate as per Court's order dated 2.3.2011 when Chamber Judge has specifically directed the petitioner to serve copy of their application to the other side within a week. On verification, no proof is found on record to confirm that whether petitioner has served the copy to the other side in compliance of order dated 2.3.2011 as referred to hereinabove. The ld. Advocate for the petitioner is stating that they have already served it

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and he has passed on a filing proof dated 9.3.2011. However, the endorsement regarding receipt of copy by the Clerk of the concerned Advocate is only on his office copy and not on the original filing memo. Therefore, registry is very much

correct in stating that petitioner has not complied with the order dated 2.3.2011.

By order dated 2.3.2011, the Hon'ble Chamber Judge has permitted the petitioner to supply copy within a week whereas endorsement shows that it is supplied only on 20.4.2011. However, there is no clarity about such service. Therefore, petitioner and registry has to verify the record and to confirm that when such copy is served. Petitioner has to file such proof of service on record -if copies are provided before 9.3.2011. Though petitioner and registry has to verify and has to take steps as per above direction, on further verification it is found that a Filing Memo dated 9.3.2011 is in the record wherein it is not specifically disclosed that it is for what purpose but the text " P.F. 1 Court Fee 10 Rs." was once written by pen and then strike up and below that there is an endorsement " Proof of service to Mr M.K.Dua, ld. Advocate for respondent No.5" with some signature disclosing the date of endorsement as 20.4.2011.

The Filing Memo shall be placed before the concerned Registrar (Judl.) to enquire that how and why something is allowed to be strike out when once a documents is already taken on record on 9.3.2011. Thereby the fact remains that petitioner has not complied with the order of the Hon'ble Court dated 2.3.2011 till 20.4.2011.

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Thereby today an attempt to make a show that earlier order is complied, with is not proper.

Application for substituted service is allowed on condition to pay Rs.2000/- as cost on or before 8.8.2011 in the name of SCLSC.

If cost is not paid before 8.8.2011, list before the Hon'ble Judge in Chamber for non-prosecution.

(S.G.SHAH)
Registrar

hj