

SECTION: XIV

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**INTERLOCUTORY APPLICATION NO. 2**

**(Application for deletion of name of respondent no. 2)**

**IN**

**PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No.13976/2013**

Union of India & Ors.

Petitioners

**VERSUS**

M/s Hari Nagar Sugar Mills Ltd. & Anr.

Respondents

**OFFICE REPORT FOR ORDERS**

The office report for directions in the matter above mentioned was listed before Hon'ble Judge in Chambers on 11.07.2016, when His Lordship was pleased to pass the following order:-

*"None for the parties.*

*The Hon'ble Chamber Judge on 29.03.2016 allowed the learned counsel for the petitioners, at her own request, to delete the name of unserved respondent no.2. Needful has still not been done.*

*In the interest of justice, one further opportunity is granted to the learned counsel for the petitioners to file an application for deletion of the name of unserved respondent no.2.*

*Needful be done within four weeks from today, subject to payment of cost of Rs.10,000/-, to be deposited with the Supreme Court Advocates-on-Record Welfare Trust."*

It is submitted that counsel for the petitioners has on 05.08.2016 filed an application for deletion of name of respondent no. 2 from the array of parties (registered as I.A. No. 2) and the same has been placed with SLP Paper Books.

It is further submitted that counsel for the petitioner has on 09.08.2016 deposited the cost of Rs. 10,000/- (Rupees Ten Thousand Only) with the Supreme Court Advocate-on-Record welfare trust on 08.08.2016(within time).

The application in the matter above mentioned is listed before Hon'ble Judge in Chamber with this office report.

DATED THIS THE 10<sup>th</sup> DAY OF AUGUST, 2016.

**ASSISTANT REGISTRAR.**

Copy to :

Mrs. Anil Katiyar Advocate

M/s Khaitan & Co., Advocate

**ASSISTANT REGISTRAR**

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Respondents

**OFFICE REPORT FOR ORDERS**

The office report for directions in the matter above mentioned was listed before Hon'ble Judge in Chambers on 29.03.2016, when His Lordship was pleased to pass the following order:-

***"As prayed for, four weeks' time is granted to file an application for the deletion of the name of unserved respondent no.2."***

It is submitted that counsel for the petitioners has not filed application for deletion of name of unserved respondent no. 2 so far.

The matter above mentioned is listed before Hon'ble Judge in Chamber with this office report.

DATED THIS THE 13<sup>th</sup> DAY OF MAY, 2016.

**ASSISTANT REGISTRAR.**

Copy to :

Mrs. Anil Katiyar Advocate  
M/s Khaitan & Co., Advocate

**ASSISTANT REGISTRAR**

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**CHAMBER MATTER**

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Respondents

**OFFICE REPORT FOR ORDERS**

The office report for directions dated 16.12.2015 in the matter above mentioned was listed before Hon'ble Judge in Chambers on 02.02.2016, when His Lordship was pleased to pass the following order:-

***"As prayed for, four weeks' time is granted to the petitioners to file requisite application for deletion of name of unserved respondent no.2."***

It is submitted that counsel for the petitioners has not filed application for deletion of name of unserved respondent no. 2 so far.

The matter above mentioned is listed before Hon'ble Judge in Chamber with this office report.

DATED THIS THE 04<sup>th</sup> DAY OF MARCH, 2016.

**ASSISTANT REGISTRAR.**

Copy to :

Mrs. Anil Katiyar Advocate  
M/s Khaitan & Co., Advocate

**ASSISTANT REGISTRAR**

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**CHAMBER MATTER**

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Respondents

**OFFICE REPORT FOR DIRECTIONS**

The office report on default in the matter above mentioned was listed before Hon'ble Judge in Chambers on 09.09.2015, when the Court was pleased to pass the following order:-

***"AS prayed, two weeks' time is granted to the learned counsel for the petitioners for seeking deletion of name of unserved respondent No. 2."***

It is submitted that counsel for the petitioners has not filed application for deletion of name of unserved respondent no. 2 so far.

The matter above mentioned is listed before Hon'ble Judge in Chamber with this office report.

DATED THIS THE 31st DAY OF OCTOBER, 2015.

**ASSISTANT REGISTRAR.**

Copy to :

Mrs. Anil Katiyar Advocate  
M/s Khaitan & Co., Advocate

**ASSISTANT REGISTRAR**

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Respondents

OFFICE REPORT

The matter above mentioned was listed before Hon'ble Court on 05.04.2013, when the Court was pleased to pass the following order:-

***"Delay condoned.***

***Notice.***

***Learned counsel, on caveat, enters appearance and accepts notice.***

***Counter affidavit, if any, be filed in four weeks' time. Rejoinder affidavit, thereto, if any, be filed in two weeks' time thereafter.***

***Call the matter thereafter."***

It is submitted that pursuant to aforesaid order show cause notice was issued to Respondent No. 1 through M/s. Khaitan & Co., Advocates and to Respondent No. 2 on 23.04.2013 by registered AD. Counter Affidavit filed by counsel appearing for Respondent No. 1 and Rejoinder Affidavit filed by counsel for the petitioners have been included in SLP Paper Books. Unserved cover containing notice has been returned in respect of respondent No. 2 with postal remarks "Not known".

It is further submitted that counsel for the petitioners has on 28.11.2014 filed an application for substituted service by way of publication of notice in respect of unserved Respondent No.2 and the same is defective for the reason that (i) language and edition of news paper and (ii) whether the newspapers have wide circulation in the area has not mentioned in the application.

For non curing the defects in the application for substituted service the matter was listed before the Ld. Registrar's Court from time to time and on 30.03.2015, when He was pleased to pass the following order:-

*"Counter affidavit on behalf of Respondent No. 1 is already on record.*

*Despite opportunity granted to the ld. Counsel for the petitioner to cure the defects in the application for substituted service by way of publication, defects have not yet been cured. However, as last opportunity two weeks time is granted to cure the defects.*

*Liberty is also granted to the ld. Counsel for the petitioner to make out appropriate application for deletion of Respondent No.2.*

*Post again on 24.07.2015."*

The matter was lastly listed before the Court of Ld. Registrar on 24.07.2015, when the following order was passed:-

*"What gets revealed from the perusal of the office report is that the Ld. Counsel for the petitioners has neither cured the defects in the application for substituted service nor has she filed the application for deletion of unserved respondent No. 2. 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 petitioners has neither cured the defects in the application for substituted service by way of publication of notice in respect of unserved respondent No. 2 nor has filed application for deletion of name of unserved Respondent No. 2 so far.

The default on the part of counsel for the petitioner is reported to the Hon'ble Judge in Chamber with this office report .

DATED THIS THE 31st DAY OF JULY, 2015.

**ASSISTANT REGISTRAR.**

Copy to :

Mrs. Anil Katiyar Advocate  
M/s Khaitan & Co., Advocate

**ASSISTANT REGISTRAR**

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