

SECTION IV B Ch. Matter
Listed on
Court No.
IN THE SUPREME COURT OF INDIA Item No.
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 11552 OF 2011.

Harnam Kaur (D) Thr. Lrs.Petitioner(s)
Versus

Karnail Singh (D) Thr. Lrs. & OrsRespondent(s)

OFFICE REPORT ON DEFAULT

The I.A.Nos. 5-6(Applications for substitution to bring on record the LRs of deceased Respondent No. 2(iv), condonation of delay in filing substitution application and setting aside abatement) were listed before the Hon'ble Court (In Chambers) on 25.08.2015, when the Court was pleased to pass the following order:-

" Issue notice on I.A. Nos. 5 and 6."

Accordingly, show cause notice was issued to both the proposed LRs of deceased Respondent No. 2(iv) by registered A.D. Post on 04.09.2015.

It is submitted that unserved cover containing notice has been received back from both the proposed LRs of deceased Respondent No. 2(iv) with remarks 'Incomplete Address'. Thereafter, the matter was time to time listed before the Ld. Registrar's Court for completion of service and lastly listed on 29.08.2016, when the following Order was passed:-

" Fresh address of both legal representatives of deceased respondent no.2(iv) has not been furnished despite last opportunity granted.

Let the matter be placed before the Hon'ble Judge in Chambers alongwith detailed office report showing the status of the remaining respondents."

It is submitted that Counsel for the petitioner has not filed fresh addresses of both the proposed LRs of deceased Respondent No. 2(iv) so far.

It is further submitted that latest service position of the remaining respondents i.e. LR nos. 1(a) to 1(d), 2(i) to 2(iii) and 3(c) to 3(f) is as follows;

Mr. S.K.Sabharwal, Advocate (now expired) had filed Vakalatnama & Memo of Appearance on behalf of Respondent Nos. 1(a) to 1(d) and Respondent Nos. 3(a) to 3(f) and Alternative Arrangement notice has been issued to Respondent Nos. 1(a) to 1(d) and to Respondent Nos. 3(a) to 3(f) by registered A.D. Post on 24.07.2015. A.D. Cards duly signed have been received from Respondent Nos. 1(a), 1(c)-1(d) and 3(a) to 3(f). Unserved cover containing alternative arrangement notice has been received back from Respondent No. 1(b) with remarks 'Incomplete Address'. Counsel for the petitioner has on 17.02.2016 filed the fresh address of Respondent No. 1(b) and accordingly, fresh alternative arrangement notice was issued to Respondent No. 1(b) at fresh address. Neither A.D. card nor unserved cover containing notice has been received back from Respondent No. 1(b) so far. In respect of LR nos. 2(i) to 2(iii) of deceased Respondent No. 2, Counsel for the petitioner has filed affidavit with proof of dasti service stating therein that they have refused to accept notices.

Service of show cause notice is not complete on both the proposed LRs of deceased Respondent No. 2(iv) and Respondent No. 1(b) and Counsel for the petitioner has neither taken fresh steps on Respondent Nos. 1(b) nor filed fresh address of both the proposed LRs of deceased Respondent Nos. 2(iv).

The office report on default is listed before the Hon'ble Court (In Chambers).

Dated this the 7th day of September, 2016.

ASSISTANT REGISTRAR

Copy to: Ms. Priya Puri, Adv.
Mr. Ajay Kumar Singh, Adv.

ASSISTANT REGISTRAR