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SLP(C)No. 13073 OF 2000

ITEM No.203

Court No.11

SECTION XVII
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13073/2000

(From the judgement and order dated 20/12/1999 in CR 901/98
of The HIGH COURT OF PATNA)

GOPAL CHAUDHARY & ANR.

Petitioner (s)

VERSUS

SUDAMA CHAUDHARY & ANR.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 22/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. PHUKAN
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr.Sunil Kumar,Adv.
Mr.Manish Mohan,Adv.
Mrs.Kirti Singh,Adv.
Mr.Amit Pawan,Adv.
Mr.Savtam Godara,Adv.
Mr. Ugra Shankar Pd.,Adv.

For Respondent (s) Mr.L.C.Goyal,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L....I.....T.....T.....T.....T.....T.....T.....J.
.SP2

Mr.Sunil Kumar, learned counsel, started
argumeents at 11.55 a.m. and concluded at 12.00
p.m.Thereafter Mr. L.C.Goyal, argued the matter for
about five minutes.

Leave granted.
Appeal allowed.

.SP1

(Rajesh Kumar) (Janki Bhatia)
PA to Addl. Registrar Court Master
(signed order is placed on the file)

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CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO...../2002@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP(C)13073/2000)

GOPAL CHAUDHARY & ANR. ...Appellant(s)

Versus

SUDAMA CHAUDHARY & ANR. ...Respondent(s)

O R D E R@@
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.SP2

Leave granted.

In a Civil Revision Petition filed by the appellant on 28.4.1999, the High Court by its order dated 6.8.1999, recorded deemed service of notice on the opposite party No.2. Subsequently on 19.8.1999 the High Court directed issuance of notice to the opposite party No.2 by substituted service. As no steps were taken for service of notice on opposite party No.2 by substituted service, the revision petition was dismissed.

The impugned order is not sustainable in law inasmuch as after accepting the service of notice on opposite party No.2 and without recalling the said order, the High Court could not have directed substituted service again. Therefore, the impugned ...2/-

-2-

order is set aside and the High Court is directed to dispose of the Revision Petition. Parties shall appear before the High Court within two weeks and thereafter the Revision Petition shall be disposed of within a period of six months. The appellants are directed to pay costs of Rs.2,000/- to the respondents.

The appeal is allowed.

.SP1

.....J.@@
AA
(S.N. Phukan)@@
AA

.....J.@@
AA
(K.G. Balakrishnan) @@
AA
New Delhi@@
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February 22, 2002@@
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