

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).21310/2010

GR.MOHALI AREA DEVT.AUTH. Petitioner(s)

VERSUS

SHEELA RANI & ORS. Respondent(s)

(With appln(s) for substituted service and office report)

WITH
SLP(C) NO.21307/2010
SLP(C) NO.978/2011

Date: 11/04/2012 This Petition was called on for hearing today.

For Petitioner(s)
Mr Binay K Das, Adv.
Mr. Debasis Misra,Adv.

For Respondent(s)

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

SLP(C) NO.21310, 21307 of 2010

Deleted.

SLP(C) NO.978/2011

Nobody was present for the petitioner on 16.11.2011
when further time was granted to file outcome of dasti notice
upon unserved respondent till 7.12.2011. It seems that matter
was not listed before 7.12.2011. Registry has to clarify in

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writing that why matter has not been listed before the Court
on 7.12.2011.

An affidavit of service is filed thereafter on

24.2.2012 by one Mr Ranjit Sharma making a statement that I am the Advocate handling the present case before this Hon'ble Court for Mr Debasis Misra, the ld. Advocate-on-record for the petitioner and therefore competent to file such affidavit. It is his statement on oath in such affidavit that dasti notice issued in this case was sought to be served on respondent no.1, Mr Gurnam Singh but the same could not be served as it transpired that he does not live at the address(copy attached). With such affidavit copy of the notice is annexed which is having such endorsement by the office of the concerned Civil Judge, SAS Nagar.

Thereby the fact remains that respondent No.1 is not served and petitioner has failed to take steps to select appropriate mode of service when they are aware that respondent No.1 is not available and his notice could not be served at the given address.

Surprisingly, endorsement of the Civil Court is dated 25.9.2011. Dasti service was allowed by order dated 8.7.2011 and it was permitted to be served through the nearest Civil Court/Trial Court.

Order to issue notice by main Court is dated 6.1.2011. Thereafter repeatedly time was granted to confirm service of unserved respondent. More than a year has lapsed, petitioner has failed to confirm service upon respondent no.1. Today, the

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ld. Advocate appearing for the petitioner says that they want some time to file proof of publication against respondent no.1 whereas there is no such order on record.

Order XLV Rule 8 of the Supreme Court Rules, 1966 provides that if service of any notice has not been completed within six months from the date of issue of notice, matter shall be reported to the Court for direction for notice to the Advocates-on-record for the purpose. In such case, a Court may

dismiss the matter for non-prosecution or may give such direction in the matter as deems fit. For the purpose of such rule, this order may be treated as a notice to the ld. Advocate-on-record.

In view of such fact, list before the Hon'ble Judge in Chambers for non-prosecution against respondent No.1.

(S.G.SHAH)
REGISTRAR

hj