

LISTING ON 11.09.2015

COURT NO. 1

ITEM NO. 2

SEC.IV-A

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 21065 OF 2011
WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO. 2

(Application for exemption from filing O.T.)

NEMI CHAND

...PETITIONERS

-Versus-

INDRAMAL AND ORS.

...RESPONDENTS

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 12.09.2011, when the Court was pleased to pass the following order:-

"Issue notice, returnable in six weeks, on the special leave petition. Dasti, in addition, is permitted. Issue notice, returnable in six weeks, on the petitioner's prayer for interim relief as well. Dasti, in addition, is permitted.

In the meanwhile, further proceedings in Civil Suit (Old) No.3A/1984 and (New) No.13A/1992 pending in the Court of Additional District Judge, District Ratlam shall remain stayed."

It is submitted that counsel for the petitioner has not filed process fee and spare copies within 7 days from the order of this Hon'ble Court. Hence, show cause notice could not be issued to the respondents.

Thereafter, the matter above mentioned was listed before Ld. Registrar on 13.10.2011, when he was pleased to pass the following order:-

"Nobody is present.

In the interest of justice, delay of 9 days in filing process fee and spare copies is condoned.

Issue notice at the earliest with additional notice which is to be forwarded to the Additional District Judge, District Ratlam

in Civil Suit (Old) No.3A/1984 and (New) No.13A/1992 for confirming service upon the unserved respondents even by affixing the same at the given address, if it could not be served in due course.

List again on 8.12.2011."

Accordingly, show cause notice was issued to all the 10 respondents on 22.10.2011 through Regd. A.D. post through trial Court and for Dasti service on 21.10.2011. Mr. Niraj Sharma, Advocate has filed vakalat/appearance and counter affidavit on behalf of respondent nos. 1-3 & 5, counter affidavit has already been included in the paper books. A.D. card duly signed in respect of Respondent nos. 4, 8-10 has been received but no one has appeared on their behalf. Trial Court service report in respect of respondent no. 7 has been received stating that respondent no. 7 has been served through his nephew viz Vijendra Singh and Ld. Registrar treated the same proper service vide order dated 20.01.2012 and in respect of respondent no. 6 served personally but no one has appeared on behalf of duly served respondent nos. 4 & 6-10.

Thereafter, the matter above mentioned was listed from time to time and lastly listed before Ld. Registrar on 28.07.2015, when he was pleased to pass the following order:-

"Counter affidavit filed on behalf of the respondent Nos.1 to 3 and 5 is already on record.

Despite service no one has put in appearance on behalf of respondent Nos. 4 and 6. Matter is in complete category. List the matter before the Hon'ble Court, as per the rules."

Service of show cause notice is complete.

In view of above quoted order, the matter above mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 9th day of September, 2015.

ASSISTANT REGISTRAR

Copy to: Mr. Niraj Sharma, Advocate
Ms. K. V. Bharathi Upadhyaya, Advocate

ASSISTANT REGISTRAR