

SECTION IV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 2

(Application for Restoration)

AND

INTERLOCUTORY APPLICATION NO. 3

(Application for condonation of delay in filing application for Restoration)

IN

CIVIL APPEAL NOS. 5592 AND 5593 OF 2006

Ramesh Chander & Ors. etc.

...Appellants

VERSUS

Ranjit Singh & Ors.

...Respondents

OFFICE REPORT ON DEFAULT

The Interlocutory Application Nos. 2 and 3 were listed before the Ld. Registrar Court on 8th December, 2015, when the following order was passed:-

"C.A.NO.5592/2006

Affidavit as service of notice of motion on the proposed legal representatives of deceased respondent no.7 has not been furnished by the appellant nor the steps have been taken to effect service on respondent nos. 1 to 6, 12 and 13.

Application for discharge of Advocate for respondent nos. 1 to 6 as was undertaken has also not been filed.

Matter already pertains to the year 2006. Effective opportunities have already been given.

C.A.NO.5593/2006

Appellant has miserably failed to comply with the previous directions.

Both matters be placed before the Hon'ble Judge in Chambers for further directions."

IN CIVIL APPEAL NO. 5592 OF 2006

It is submitted that Counsel for the Appellant has not filed affidavit of service of notice of motion after effecting service on proposed LRs. of deceased Respondent No. 7.

It is further submitted that Counsel for the Appellant has not taken any steps for effecting service of notice on Respondent Nos. 1 to 6.

It is further submitted that fresh notice was issued on 28.8.2015 to respondent Nos.12 & 13 through registered A.D. Card. Neither A.D. Card nor unserved cover has been received back till date.

It is also submitted that Mr. P.N. Puri, Advocate in terms of letter dated 29.01.2014 stating therein that he is no more in contact with the Respondents, has not filed appropriate application for discharge of Advocate on behalf of Respondent Nos. 1 to 6 till date. Service is not complete on Respondent Nos.1 to 7, 12 and 13 respectively.

IN C.A. NO. 5593 OF 2006

It is submitted that Counsel for the Appellant has on 05.10.2015 filed affidavit of service of notice of motion stating therein that notices have been served on all the Lrs. of deceased Respondent 11 & 12 through Trial Court. Proof of service filed by the counsel is in vernacular language and English translation has not been filed with affidavit of service.

It is further submitted that Counsel for the Appellant has not taken any steps for effecting service on Respondent Nos. 1 to 7. Hence, notice could not be issued to Respondent Nos. 1 to 7.

Service is not complete on Respondent Nos. 1 to 7.

It is also submitted that Mr. P.N. Puri, Advocate for Respondent Nos. 1 to 6 in terms of letter dated 29.01.2014 stating therein that he is no more in contact with the Respondents, but has not filed appropriate application for discharge of Advocate on behalf of Respondent Nos. 1 to 6 despite order dated 18.8.2015.

The default of the Counsel for the appellants as well as Counsel for the Respondents Nos.1 to 6 in the appeals above mentioned are listed before the Hon'ble Judge in Chambers for orders with this office report.

Dated this the 6th day of January, 2016.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. Jitendra Kumar, Advocate
B-7, Ashadeep, 9, Hailey Road, New Delhi
2. Mr. P.N. Puri, Advocate
17, Lawyers' Chambers, SCI, New Delhi

ASSISTANT REGISTRAR