

LISTING ON 26.09.2013

COURT NO. 4

ITEM NO. 45

SEC-IVA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 11994-11995 OF 2004
WITH PRYAER FOR INTERIM RELIEF

ORIENTAL INSURANCE CO. LTD. ...PETITIONER

VERSUS

RAMESH B. JAIN & ORS. ...RESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 05.07.2004 when the Court was pleased to pass the following Order:

"Delay condoned.

Issue notice to the owner-respondent P. Papaiah (Respondent No. 2 in CC 4231/2004 and Respondent No. 5 in CC 4232) to show cause why a direction be not made for reimbursing the insurance company from the owner in terms of the law laid down by this Court in the cause of United India Insurance Co. Ltd. Vs. Leheru & Ors. 2003 (3) SCC, 338."

Accordingly, show cause notice was issued to the respondent No. 2 in SLP (C) No. 11994/2004 arising out of SLP No. CC .. 4231/2004 Viz P. Papaiah common as Respondent No. 5 in SLP (C) No. 11995/2004) arising out of SLP No. CC .. 4232/2004 on 15.06.2005 but unserved envelopes containing the notice has been received back with postal remarks 'No such person'. Dasti notice vide Ld. Registrar's order dated 23.09.2005 was handed over to the Counsel for the Petitioner for effecting service on the said unserved Respondents. Mr. B.K. Satija, Counsel for the Petitioner has filed Affidavit of service stating therein that the notice could not be served on the unserved Respondent as he is evading to take notice by saying through his wife that he is not in station.

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Thereafter, the matter was listed before the Ld. Registrar from time to time and listed on 27.07.2011 before the Hon'ble Judge in

Chamber with office report dated 07.05.2011 when His Lordship was pleased to pass the following order:

"Delay condoned in filing application for substituted service. Application for substituted service is allowed, in terms of the prayer made."

It is submitted that show cause notice for Publication was issued on 02.08.2011 to the common unserved respondent no.2 in SLP (C) No. 11994 of 2004 and Respondent No. 5 in SLP (C) No. 11995 of 2004 in newspapers viz "Indian Express" (English) Bangalore and "Prajavani Kannada" (Kannada) Bangalore and Counsel for the Petitioner has on 05.09.2011 filed proof of publication in newspapers with affidavit but no one has put in appearance.

Service of show cause notice is complete.

Thereafter the matter was lastly listed before the Ld. Registrar on 21.09.2011 with an office report dated 20.09.2011 when he was pleased to pass the following order:

"The ld. Counsel for the petitioner alone present.

As per office report service is complete.

List before the Hon'ble Court as per rules provided service on all respondents is complete in both matters, as per order of the Hon'ble Court dated 5.7.2004."

In view of the above said order the matter is listed before the Hon'ble Court with this Report.

Dated this the 25th day of September, 2013.

ASSISTANT REGISTRAR

Copy to: Dr. Nafis Ahmad Siddiqui, Advocate

ASSISTANT REGISTRAR

SK/-