

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

TRANSFER PETITION (CIVIL.) NO(s). 715 OF 2008

K.SUBHDRA DEVI & ANR. Petitioner(s)

VERSUS

K.JAGGA RAO & ORS. Respondent(s)

(With appln(s) for substituted service,stay and prayer for interim relief and office report)

WITH
T.P.(C) NO. 224 of 2010
(With office report)
T.P.(CRL) NO. 338 of 2008
(With office report)

Date: 21/10/2010 This Petition was called on for hearing today.

For Petitioner(s)
Mr Bharat J Joshi, Adv.
Mr. G. Ramakrishna Prasad,Adv.

For Respondent(s)

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

The learned Advocate for the petitioner states that petitioner; being a deserted lady with kids: is unable to serve the respondent by dasti mode as well as by publication, as per previous order, since cost of publication is too high.

The learned Advocate has also further disclosed that they would like to file an application for recalling Court's order dated 15.2.2010 regarding issuance of fresh notice.

Item No.5

The learned Advocate says that such application is ready and they will file it in a day or two.

Such application is to be listed before the Hon'ble Court as per rules.

It is the duty of the petitioner to see that respondent is properly served by selecting appropriate mode of service as stated in the Code of Civil Procedure.

Initially petitioner has selected an application for public notice in TP(C) NO. 715/2008.

In continuation of such exercise to issue public notice in one of the transfer petition, considering the fact that respondent is common in all the transfer petitions, there was no alternative but to pass an order to issue public notice in all transfer petitions where respondent is unserved.

Now, the petitioner does not want to serve the respondent by public notice considering the cost and status of the petitioner.

The learned Advocate, Mr Bharat J Joshi who was present on last occasion, now confirms that they do not want to serve the respondent by public notice as per order dated 29.9.2010.

In view of such disclosure, registry to issue fresh notice.

In view of the above facts, petitioner is directed to select any other appropriate mode of service.

Let there be fresh notice for which petitioner has to pay process fee and spare copies before 28.10.2010.

-3-

Item No.5

In absence of such process fee and spare copies, list before the Hon'ble Judge in Chambers for non-prosecution.

If process fee and spare copies are filed, issue fresh notice in Transfer Petition No.224/2010, which is to be forwarded to Principal Family Court, Bangalore with reference to MC no.1839/09 with a specific direction to confirm service on unserved respondent even by affixing the same at the given address.

Notice for TP(C) No. 715/08 is also to be forwarded to the Family Court, Bangalore with reference to OS No.122/07 with the specific direction to serve the notice upon the unserved respondent, who is the petitioner before that Court in such litigation, either through the learned Advocate appearing for such litigant or even by affixing the same at the address disclosed before that Court in the petition filed by the present respondent, who could not be served by regular notice.

If respondent is not found at the registered address and failed to disclose his correct address, in such matter which is pending before that Court, then that Court shall take appropriate steps, as per Code of Civil Procedure.

List again on 10.12.2010.

(S.G.SHAH)
Registrar

hj