

ITEM NO.6

COURT NO.7

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 15409/2011

JANAK SINGH & ORS.

Petitioner(s)

VERSUS

BALBIR SINGH & ORS.

Respondent(s)

IA 11/2017,12/2017

Date : 27-03-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDU MALHOTRA
[IN CHAMBER]

For Petitioner(s) Mr. Vikas Mahajan, Adv.
Mr. Vinod Sharma, Adv.
Mr. Anil Kumar, Adv.
Miss Tulika Prakash, AOR

For Respondent(s) Mr. Rameshwar Prasad Goyal, AOR

Ms. Anuradha Mutatkar, AOR

Ms. Neha Agarwal, Adv.
Mr. E. C. Agrawala, AOR

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

In this case, this Court vide Order dated 19.08.2011 issued Notice and granted an interim order of status quo.

On 28.09.2015, two weeks' time was granted to the Petitioner as a last chance to take necessary steps to bring on record the Lrs. of deceased Respondent Nos. 11,17 & 21. The Petitioners failed to comply with the order. Subsequently, on 05.08.2016, four weeks' time was granted peremptorily to comply with the Order, failing which, the Special Leave Petition would stand dismissed qua Respondent Nos. 11,17 & 21 without further

reference to the Court.

The Counsel for the Petitioner then filed an application for substitution on 24.08.2016.

As reflected in the Order dated 23.08.2017, as per the tracking report it was found that Respondent No. 11(ii) had since expired. The Ld. Registrar granted four weeks' time to the Petitioners to bring the Lrs. of Respondent Nos. 11(ii) on record, and take fresh steps for service on Respondent Nos. 11(i) and 17(i).

The Petitioners failed to comply with the directions of the Ld. Registrar. A last chance to do the needful was further granted vide order dated 11.10.2017. The petitioners failed to do the needful yet again, as reflected in the order dated 29.11.2017 whereby the matter was placed before the Ld. Chamber Judge.

On 21.12.2017, the Petitioners filed the Application for substituted service on Respondent Nos. 11 (i) and 17(i). A separate application was filed seeking deletion of Respondent No. 11(ii) by the petitioners.

The said Applications were allowed by the Ld. Chamber Judge on 16.01.2018.

The Petitioners failed to file proof of paper publication with respect to Respondent Nos. 11 (i) and 17(i). On 17.04.2018, a last chance was granted to file proof of paper publications within four weeks.

As per Office Report dated 13.12.2018, Respondent Nos. 11(i), 17(i), 21(i) and 21(ii) has been served by way of publication of notice in the newspaper.

The order sheet of this case reveals the inordinate delay on the part of the Petitioners in complying with the office directions to complete service.

That after over three years', service of notice is now complete on all the Respondents, as recorded in the Order dated 06.12.2018.

The Application for Condonation of delay in effecting service is allowed subject to payment of costs of Rs.50,000/- (Rupees Fifty Thousand) to the Supreme Court Advocates-on-Record Welfare Trust within a period of 15 days.

Upon payment of costs, the delay would stand condoned.

The Special Leave Petition may be processed thereafter in accordance with Rules.

(NEELAM GULATI)
COURT MASTER (SH)

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER