

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

Petition(s) for Special Leave to Appeal (Civil) No(s).2378/2006

MURTI BHAWANI MATA MANDIR (D) BY LR.

Petitioner(s)

VERSUS

RAMESH & ORS.

Respondent(s)

(With appln. for exemption from filing O.T.,substitution of L.Rs of the deceased respondent and prayer for interim relief and office report)

Date: 11/11/2010 This Petition was called on for hearing today.

For Petitioner(s)

Mr Alok Bhachawat, Adv.  
Ms. Pratibha Jain,Adv.

For Respondent(s)

Mr Ram Ekbal Roy, Adv.  
Mr. M.P. Jha,Adv.

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

It is unfortunate that though there is interim order in favour of the petitioner since 23.1.2006 and though petitioner is aware about the requirement to take necessary steps for confirming service on unserved respondent no.2 since 22.1.2009, when it was observed by the Court that application for substituted service is to be filed for respondent no.2

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within two weeks, even today no steps are being taken for

respondent No.2.

Nobody was present for the petitioner on last date i.e., 22.9.2010 and in absence of proper address of respondent no.2, office could not issue notice since then.

Three weeks time was granted on 5.8.2010 to enable the petitioner to disclose proper address and for issuing notice on such new address.

Today the learned Advocate, Mr Alok Bhachawat appearing on behalf of Ms Pratibha Jain, Advocate-on-record says that if address of respondent No.2 is to be disclosed, since they came to know about such fact first time, they will do it within a week.

The record shows that the matter is pending for completing service on unserved respondent No.2 for couple of years.

In view of the above fact, no further time can be granted to the petitioner.

List before the Hon'ble Judge in Chambers for non-prosecution against unserved respondent No.2.

However, if petitioner confirms service on respondent No.2 before such date of listing, same fact can be considered.

After passing such order, the learned Advocate for the

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petitioner is requesting to allow him to serve unserved respondent by dasti mode and requesting for issuance of dasti notice.

If process fee and spare copies alongwith fresh address is filed on record on or before 13.11.2010, issue dasti notice.

Petitioner has to confirm dasti notice within four

weeks .

(S.G.SHAH)  
Registrar

hj