

SUPR EME COUR T OF I ND I A  
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).10005/2004

(From the judgement and order dated 21/02/2002 in CWP No. 3823/2001 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF HARYANA & ANR.

Petitioner(s)

VERSUS

SHARDHA NAND & ORS.

Respondent(s)

(With appln(s) for restoration)

Date: 25/07/2011 This matter was called on for hearing today.

For Petitioner(s)

Mr. Manjit Singh, Adv.  
Mr. Kamal Mohan Gupta, Adv.

For Respondent(s)

Dr. Kailash Chand, Adv.

UPON hearing counsel the Court made the following  
ORDER

An application for bringing legal heirs of deceased  
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respondent no. 13 is pending on record since 24 November, 2009. There  
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is an order dated 31 July, 2008 that in spite of repeated adjournments  
petitioner has not taken steps to bring legal heirs of deceased  
respondent no. 13 on record and thereby matter was directed to be  
listed before Hon'ble Judge in Chambers. Position of respondent no. 13  
st  
is on record at least since 21 April, 2006. Hon'ble Court has passed an  
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order to issue notice on 5 May, 2004. Matter was adjourned for want of  
Legal heirs of deceased respondent no. 13 on record on different dates  
viz. 11.7.2006,

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14.8.2006, 16.11.2006, 29.3.2007, 25.7.2007, 18.9.2007, 3.12.2007,  
11.2.2008, 31.3.2008, 12.5.2008, 31.7.2008, 3.9.2008, 15.7.2009, 5.10.2009,  
23.11.2009, 15.3.2010, 10.5.2010 either before the Registrar's Court or  
before the Hon'ble Judge in Chambers.

In between at least on 23.11.2009, 15.3.2010, 10.5.2010,  
15.5.2010, 5.10.2009, 15.7.2009 and 3.9.2008 Hon'ble Judge in Chambers  
has also granted time to file appropriate application to bring legal heirs  
of deceased respondent no. 13 on record. However, no steps are taken  
till date.

By an order dated 23.7.2010 without adjudicating the  
application for bringing legal heirs of deceased respondent which is  
delayed by 2789 days, and even without filing an application to condone  
such delay when matter was listed before the Hon'ble Judge in Chamber  
for abatement against respondent no. 13, learned counsel for the  
petitioner referred dismissal of similar SLPs. Thereby Hon'ble Judge in  
Chamber has directed to list the main case before the Court in second  
week of August, 2010. Accordingly, matter was listed before Hon'ble  
th

Court No. 14 on 13 August, 2010 when counsel for the petitioners asked for time to file copies of the judgments in previous matters as referred by him earlier. Whereas on 1 September, 2010 counsel for the petitioners sought two weeks' time to enable him to obtain instructions and to take necessary steps. Accordingly, matter was adjourned or two weeks. On 17 September, 2010, as a last opportunity, the Hon'ble Court has granted 4 weeks' time to take steps in terms of Office Report. On 22 October, 2010 matter was directed to be listed on 27 October, 2010 because of absence of advocates for both the parties. Thereafter by an order dated 27 October, 2010 in absence of parties, Hon'ble Court has dismissed

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the petition for non-prosecution.

However, by an order dated 31 January, 2011 the Hon'ble Court passed an order to issue notice on the application for restoration through the counsel and also through Registered Post A.D. Thereafter, on 18 March, 2011 counsel for the petitioners simply disclosed before the Registrar Court that they have paid process fee and spare copies as if their duty is over and thereby petitioner has failed to confirm service through the concerned advocates who are appearing for the respective respondents.

Nobody was present on 9 May, 2011 when matter was ordered to be listed for today. In view of non-compliance of service of notice as per order dated 31 January, 2011, list the matter before Hon'ble Judge in Chambers for non-prosecution.

(S.G. Shah)  
Registrar

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