

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).14418/2011

SATYA DEVI Petitioner(s)

VERSUS

VIDYA SAGAR JAIN & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP and office report )

Date: 08/02/2012 This Petition was called on for hearing today.

For Petitioner(s)

Mr Rajan K Singh, Adv.  
Mr. Merusagar Samantaray,Adv.

For Respondent(s)

Mr Ajit Kumar, Adv.  
Mr. S.K. Sabharwal,Adv.

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

It is unfortunate that a false affidavit has been filed on record. Affidavit of service sworn by Satya Devi aged about 68 years on 31.1.2012 and filed on record on the same day specifically states as under, so far as service position of respondent No.6-Mr Ravinder Kumar Jain and respondent No.8-Charvee Jain are concerned:

"The petitioner has also tried to serve notice to Ravinder Kumar Jain and Charvee Jain, however they have refused to receive the same. Thereafter petitioner sent

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the notices through registered/AD and the same has returned back with the remarks 'refused and left' Therefore, the service of notice is complete in as much as petitioner is concerned. Registered/ Ad sent by the

petitioner is annexed as P I colly."

Unfortunately on perusal of the registered letters annexed with such affidavit as stated in the affidavit, it does not show the endorsement as stated on oath i.e., "refused and left".

At least so far as registered cover addressed to Charvee Jain i.e., respondent No.8 is concerned, on back side of the cover endorsement reads as "left...(illegible)". Thereby the fact is clear that first word in said endorsement is left and not refused. By all probabilities when addressee is not available at the given address and when postman endorses as "left" though remaining words are illegible, it would certainly say that "left returned to sender". In any case, it cannot be read as "refused and left" as stated on oath in the affidavit.

So far as registered letter to Ravinder Kumar Jain, respondent No.6 is concerned, the endorsement by the postman is very much clear and reads that " Ravinder Kumar Jain left India, other person refused"

Thereby even on such second envelope there is no endorsement like "Refused and Left" which is disclosed on oath by the petitioner in her affidavit, which is filed on record on 31.1.2012.

In view of the above fact it is now clear that

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respondent Nos. 6 and 8 are not properly served. More particularly, because of the specific statement by the petitioner that when they have tried to serve notices on them, they have refused whereas practically when registered letters were sent to the same persons, it has been clear that Charvee Jain is not residing at the given address and Ravinder Kumar Jain has left India.

Therefore, statement in the affidavit regarding refusal of notice by the respondent is totally false. Such statement

is on oath. This fact attracts the Court to initiate appropriate proceedings against the petitioner for making false statement on oath.

For the purpose, matter may be listed before the Hon'ble Judge in Chambers with all above facts for taking necessary steps, as deemed fit and proper in the matter.

(S.G.SHAH)  
REGISTRAR

hj