

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). 253 OF 2010

POONAM SAXENA Petitioner(s)

VERSUS

ANIL SAXENA Respondent(s)

(With appln(s) for stay)

WITH
T.P.(C) NO. 407 of 2010
(With office report)

Date: 12/07/2010 This Petition was called on for hearing today.

For Petitioner(s)
Mr Vikram Gulia, Adv.
Ms Vibha Narang, Adv.
Mr Umed Singh Gulia, Adv.
Mr. Rakesh Dahiya, Adv.

For Respondent(s)

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

The learned Advocate, Mr Anil Kumar accepts notice
for the sole respondent in TP(C) No. 253/10 and seeks time
to file vakalatnama and counter affidavit.

Delay in filing process fee and spare copies in
TP(C) No. 407/10 is condoned.
Respondent no.1 in TP(C) No. 407/10 is none other
than the father of the sole respondent in TP(C) No. 253/10

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who is also respondent in TP(C) No. 407/10 as respondent
No.2.

In view of such fact, the learned Advocate, Mr Anil

Kumar accepts notice for respondent No.2 in TP(C) No. 407/10 and requests further time to file vakalatnama and counter affidavit.

Petitioner in TP(C) No. 407/10 is directed to serve copies of pleadings to him within two weeks without fail.

For respondent No.1 in TP(C) No. 407/10, the learned Advocate, Mr Anil Kumar states that that both respondents are not in good terms and therefore he is not in a position to accept notice for respondent No.1, for father of respondent No.2.

In record, addresses of both litigants is shown as common throughout the proceedings and the statement cannot be accepted for the simple reason that in fact Civil Suit No.13/2010 which is requested to be transferred from one Court to another by the petitioner in TP(C) No. 407/2010, both respondent Nos. 1 and 2 are co-plaintiff and they have disclosed their respective addresses.

If respondent Nos. 1 and 2 are not in good terms, then how both have preferred Civil Suit No.13/2010 as co-plaintiff.

In view of the above fact, respondent No.2 has to disclose on record on oath about his relation with unserved respondent No.1.

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Then only notice on respondent no.1 in TP(C) No. 407/2010 to be forwarded to the addresses disclosed in such Civil Suit No.13/2010 which is at Annexure P-5 in the paper book.

List again on 27.8.2010.

(S.G. SHAH)
Registrar

