

ITEM NO.56

REGISTRAR COURT. 2 SECTION XI
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 MR. M V RAMESH

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

15861-15862/2013

GANPATI MISHRA

Petitioner(s)

VERSUS

RAJMATI DEVI (DEAD) THR. LRS. & ORS.

Respondent(s)

Date : 19/04/2017 These petitions were called on for hearing today.

For Petitioner(s) Mr.S.K.Sarkar,Adv.

Mr. Rajiv Shankar Dvivedi,Adv.

For Respondent(s)

Mr. V. J. Francis,Adv.

UPON hearing the counsel the Court made the following

O R D E R

Record reveals that after the death of the Respondent No. 1, I.A. for substitution was filed on 11.02.2014 stating therein that the respondent No.1(i) is Respondent No.3, Respondent No.1(ii) is the petitioner, Respondent No.1(iii) is Respondent No.2 and Respondent Nos.1(iv) & 1(v) are to be substituted. This I.A. was allowed by order dated 03.02.2015 of the Hon'ble Judge-in-Chambers, wherein 4 weeks time was granted to serve notice upon the substituted Lrs. Thereafter, notice was issued to all the Lrs. of the deceased respondent No.1, but these Lrs could not be served due to postal remarks "Recipient Not Found". Accordingly Ld. Counsel for the petitioner was directed to file fresh particulars and to take fresh steps to serve these Lrs., but instead of that Ld. Counsel has filed a letter dated 02.03.2017 requesting therein to

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delete names of Respondent Nos.1(ii) and 1(iii) without filing proper I.A. in this regard and further requested to issue fresh notice to the Lrs. as prayed in I.A. for substitution.

Registry is, therefore, directed to place the matter before the Hon'ble Judge-in-Chambers for orders and clarification as to whether notice is to be served upon all the Lrs. of deceased Respondent No.1 or only on the respondent Nos.1(iv) and 1(v).

(M V RAMESH)

Registrar

SB