

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 B. SUDHEENDRA KUMAR

Petition(s) for Special Leave to Appeal (Civil) No(s).11661/2004

DINESH KUMAR SHARMA

Petitioner(s)

VERSUS

BRANCH MANGR. ALLAHABAD BANK FIROZ. & ORS

Respondent(s)

(With prayer for interim relief and office report )

Date: 12/10/2006 This Petition was called on for hearing today.

For Petitioner(s)

Mr. B. S. Jain, Adv.

Dr. (Mrs.) Vipin Gupta, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The affidavit of dasti service has been filed stating that respondent No.4 has refused

to accept the notice. The said refusal cannot be treated as deemed service as there is no

provision under Rule 9A of Order V CPC corresponding to proviso to Sub rule 5 of Rule 9 of Order V CPC to pass such a declaration.

However, records would show that notice to respondent no.4 was sent by registered post on 1.8.2006. Neither the AD card nor the unserved envelope has been so far received from the above respondent. Therefore, service is complete on respondent no.4 in view of the proviso to sub-rule (5) of rule 9 of Order V CPC and Section 27 of the General Clauses Act.

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Item No.30

Service of notice on respondent nos. 2 and 3 is complete by affidavit of dasti service.

Thus service is complete on all respondents.

However, there is no appearance for any of the respondents.

Therefore, list the matter before the Hon'ble Court.

(B. Sudheendra Kumar)

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Registrar