

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).8104/2006

MOHUDDIN LAL MOHAMMED SIDDIQUI Petitioner(s)

VERSUS

PANDURANG JAGANNATH THORAT & ORS. Respondent(s)

(With appln(s) for vacating stay and prayer for interim relief and office report)

Date: 21/10/2010 This Petition was called on for hearing today.

For Petitioner(s)

Mr Arpit Gupta, Adv.
Mr. Anupam Lal Das,Adv.

For Respondent(s)

Mr Chandra Bhushan Prasad, Adv.
Mr. Jagjit Singh Chhabra,Adv.

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

There is stay order since 10.5.2006 in favour of the petitioner.

SLP is pending since the year 2006.

Unserved respondents are partners of respondent No.3-

Company which is served but absent.

Contesting respondents have already filed counter affidavit as well as an application for vacating stay is pending.

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Item No.2

Time was repeatedly granted to the petitioner to confirm service on unserved respondents.

On some occasions, petitioner has not paid process fee and spare copies for which repeatedly time was granted by my predecessor.

On default of payment of process fee and spare copies and confirming service on unserved respondent, by order dated 16.10.2008 matter was ordered to be listed before the Hon'ble Judge in Chambers.

Hon'ble Chamber Court has by order dated 19.10.2009 observed that since process fee and spare copies is filed, no order is required.

Another year has lapsed, now we are in October, 2010 and even today, unserved respondents remain as such, maybe because of interim order in favour of the petitioner.

In view of the above facts and circumstances, when unserved respondent No.3-Company is already served and as the unserved respondents are none but the partners of such company, petitioner is directed to confirm service on unserved respondents either directly by dasti mode or through the City Civil Court, Mumbai by affixing the same either at the address of each respondent individually or even at the address of respondent No.,3-Company through the process server of the City Civil Court, Mumbai without fail on or before the next date.

Let it be clear that if petitioner fails to confirm service as aforesaid through the City Civil Court, Mumbai, matter shall be listed before the Hon'ble Judge in Chambers for

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Item No.2

non-prosecution in absence of any proof of service as aforesaid before the next date.

Petitioner has to supply additional copies of pleadings as well as to pay process fee for issuance of fresh notice as per aforesaid order on or before 28.10.2010.

If not done, list before the Hon'ble Judge in Chambers for non-prosecution.

If done, issue notice as per above order and list again

on 10.12.2010.

(S.G.SHAH)
Registrar

hj