

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.12056/1999

(From the judgement and order dated 04/06/1999 in CWP 8016/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

AMRITSAR EMPROVEMENT TRUST

Petitioner (s)

VERSUS

BIMLA RANI & ORS.

Respondent (s)

(With Appln(s). for substitution & with prayer for interim relief)
(With Office Report)

Date : 16/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. Sudhir Nandrajog, Adv.

For Respondent (s)

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Perused the Office Report.

The learned counsel for the petitioner vehemently argued that inspite of filing the affidavit of service the registry is not treating the service of notice on the respondents as complete. He invited our attention to the affidavit filed by the Court clerk on 16.4.2001. A copy of the same is not to be found in the paper book. We perused the original file. Para 2 of the affidavit which is read over is in the following terms:

.....L.....T.....T.....T.....T.....T.....T.....J.....R
.SP1

"That only the respondent No.27 has been served with the Dasti summons issued by this Hon'ble Court. The rest of the respondents could not be found and thus could not be served."

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

A bare reading of the said para shows that it could be anything but an affidavit of service. The deponent is not the

person who has gone to serve the notice at the place of residence of the unserved respondents. The particulars of service of notices on the respondents are not mentioned. This affidavit cannot be treated as affidavit of service. Therefore, we are not inclined to accept the contention of the learned counsel.

In the penultimate para of the Office Report which deals with the date of death of Respondents No.30, it is noted that the date of death of respondent No.30 has not been furnished. The learned counsel submits that he has already written to the concerned authority to furnish the particulars, but he did not receive any instructions. In view of this statement, the S.L.P. shall abate against Respondent No.30.

Post for final disposal after Diwali Holidays of 2001.

.SP1

(S. Thapar)
PS to Registrar

(Kanwal Singh)
Court Master