

Listed on : 13.1.2014

Before Court No.: 14

Item No. 40

SECTION : XIV  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No. 29201/2011

Raju Saha & Ors. ... Petitioners

Versus

Shambhu Nath Deceased Through LRS. & Ors ... Respondents

OFFICE REPORT

It is submitted that pursuant to this Hon'ble Courts order dated 11.11.2011, show cause notice was issued to all the respondents on 5.12.2011 by regd. A.D. Mr. V. D. Khanna, advocate has on 27.1.2012 filed vakalatnama/appearance on behalf of respondent No. 3 but he has not filed counter affidavit. A.D. cards duly signed by respondent No. 1(d) has been received but no one has entered appearance so far. Unserved cover containing notice have been received in respect of respondent Nos. 1 (a) to 1(c), 1(e) and 2 with postal remarks 'Not known'.

For non completion of service on respondent Nos. 1 (a) to 1(c), 1(e) and 2 , fresh show cause notice was issued to these respondents on 8.2.2012 by regd. A.D. as well as dasti vide Ld. Registrar Court's order dated 25.1.2012. Counsel for the petitioners has on 28.3.2012 filed affidavit with proof of service duly served on respondent Nos. 1(a) to 1(c) and 1(e) through concerned District Court. He further stated in his affidavit that respondent No.2 could not be served for she had passed away. Counsel appearing for respondent No. 3 has filed vakalatnama/ appearance on behalf of respondent Nos. 1(a) to 1(c) and 1(e) as well as counter affidavit on their behalf. Counter affidavit has been included in the SLP paper books.

..2/-

..2..

For non taking steps for bringing on record L.Rs. Of deceased respondent No.2 and non-compliance of Ld. Registrar Court Order, the matter was listed before the Hon'ble Judge in Chambers on 6.9.2013, when His Lordships was pleased to pass the following order:-

*"In spite of sufficient time granted, learned counsel for the petitioners has not taken any steps to bring on record the LRs of respondent no.2. The Special Leave Petition is dismissed insofar as respondent no.2."*

Accordingly, cause title has been amended in SLP Paper Books.

Service is complete.

The matter above-mentioned is listed before the Hon'ble Court with this Office Report.

DATED THIS, THE 10<sup>th</sup> DAY OF JANUARY, 2014.

DEPUTY REGISTRAR

Copy to:-

1. Mr. R.D. Upadhyay, Adv.
2. Mr. V.D. Khanna, Adv.

DEPUTY REGISTRAR

p-2/ss