

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).13825/2004

NITISH KUMAR SINGH MODAK

Petitioner(s)

VERSUS

MADHU SUDHAN NAG & ORS.

Respondent(s)

(With prayer for interim relief )

Date: 07/11/2006 This Petition was called on for hearing today.

For Petitioner(s)

Mr. S.K. Bhattacharya,Adv.

For Respondent(s)

Mr Raj Kumar Gupta, Adv.

Mr Sheo Kumar Gupta, Adv.

Mr. A.N. Bardiyar,Adv.

UPON hearing counsel the Court made the following

O R D E R

The records would show that notice to respondent No.5 was sent on 4.8.2004 by registered

post, acknowledgment due. However, neither the AD card nor the unserved envelope has been so far

received from the above respondent. Therefore, I declare that there is service of notice on the above

respondent in view of Proviso to sub-rule 5 of Rule 9 of Order V of CPC and Section 27 of the General

Clauses Act.

Service is complete on all respondents.

All respondents except respondent No.5 have appearance.

The records would show that respondents had sufficient time to file counter affidavit.

However, by way of last opportunity, four weeks'

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Item No.28

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time more is granted to file counter affidavit,. As prayed for.

Whether counter affidavit is filed or not, list before the Hon'ble Court after the expiry of

the aforesaid period of four weeks.

(B.SUDHEENDRA KUMAR)

Registrar

hj