

LISTED ON 12.01.2016

COURT NO. 9

ITEM NO. 22

SEC.IVA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(C) NO. 15094 OF 2010 AND CC NO.
9610 OF 2012
WITH PRAYER FOR INTERIM RELIEF

Vipin Kumar @ Vipin Kumar Gour

...Petitioners

- versus -

Kailashchand & Ors.

... Respondents

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 09.08.2010, when the Court was pleased to pass the following Order:

"Issue notice.
Dasti, in addition."

Accordingly, show cause notice was issued to all the six respondents on 21.08.2010 through Regd. A.D. post and Dasti in addition was issued to counsel for the petitioner. Ms. Pragati Neekhara, advocate has put in appearance on behalf of respondent no. 1 and has also filed counter affidavit on his behalf. Copy of the same has already been included in the paper books. Affidavit of Dasti service has been received from Trial Court in respect of respondent nos. 2 and 6 but no one has put in appearance on their behalf and in respect of respondent nos. 3 and 4 have shifted without address and respondent no. 5 reported to be deceased.

It is submitted that Mr. Himanshu Shekhar, counsel for the petitioner has on 02.08.2011 filed an application for seeking permission for substituted service by way of publication on behalf of unserved respondent nos. 3 and 4. The same is registered as I.A. No. 4 was allowed by the Registrar on 26.09.2011. Counsel for the petitioner has on 17.02.2012 filed proof of publication in respect of

respondent nos. 3 and 4 but no one has put appearance on their behalf. In respect of respondent no. 5 counsel for the petitioner has not filed any application for bringing on record the Lrs. of deceased respondent no. 5 inspite of various Order of Id. Registrar.

Thereafter, the matters above mentioned were listed before the Hon'ble Court on 08.07.2013 with an office report dated 06.07.2013, when the Court was pleased to pass the following Order:

"The name of respondent No. 5 is ordered to be deleted from the array of parties at the risk of the petitioner.

I.A. No. 5 of 2013 is allowed.

Let both matters come up for final disposal on a non-miscellaneous day in the 1st week of December, 2013 i.e. December 4, 2013."

Service of show cause notice is complete.

SLP (C) CC.. No. 9610 OF 2012

The matter is tagged with SLP No. 15094/2010 in pursuance of Court's Order dated 04.07.2012 and the same is pending as fresh matter.

Thereafter, the matters above mentioned were lastly listed before the Hon'ble Court on 10.12.2013, when the Court was pleased to pass the following Order:

"A letter has been circulated by the advocate-on-record for the petitioner praying for time on the ground of personal difficulty of the counsel.

List the matter after three weeks."

The matters are listed before the Hon'ble Court with this Report.

Dated this the 11th day of January, 2015.

ASSISTANT REGISTRAR

Copy to: Mr. Himanshu Shekhar, Advocate
Ms. Pragati Neekhra, Advocate

ASSISTANT REGISTRAR