

SECTION IV B

Listed on.30.10.2013

Court No.3

IN THE SUPREME COURT OF INDIA Item No.34  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO.19996 OF 2011.  
WITH PRAYER FOR INTERIM RELIEF

United India Insurance Co. Ltd. ....Petitioner(s)

Versus

Mukesh Kumar & Ors. ....Respondent(s)

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 1.8.2011, when the Court was pleased to pass the following order :-

" Issue notice. There shall be stay subject to the condition that half of the compensation ordered is deposited by the petitioner in this court within four weeks from today. The amount, if so deposited, shall be invested in a nationalised bank initially for a period of six months and may be kept renewed from time to time until further orders."

It is submitted that there are 5 respondents. AD Card duly signed from respondent No.3 has been received but no one has entered appearance so far. Service of show cause notice remained incomplete in respect of respondent Nos. 1, 2, 4 and 5.

To complete service the matter above mentioned was listed before the Ld. Registrar on 30.8.2012, when the following order was passed :-

" Respondent No.1 appears through Ms.Aparna Jain. Seeks four weeks time for filing vakalatnama and counter affidavit. Ld.counsel for the petitioner who was granted last opportunity for taking steps against the unserved respondents, has not taken steps even now. However, I am inclined to grant four more weeks time subject to the condition that he takes steps against unserved respondent Nos. 2, 4 and 5 and deposits a sum of Rs. 500/- in the Supreme Court Legal Services Committee as cost within four weeks.

If the above conditions are not satisfied, list the matter before the Hon'ble Judge in Chambers for non-

prosecution. If steps are taken, issue notice. Await return of notice."

It is further submitted that Respondent No. 1 has on 10.9.2013 entered appearance through Ms. Aditi Gupta, Advocate but no counter affidavit has been filed by her. Hence, service of show cause notice is complete in respect of Respondent No.1.

It is further submitted that counsel for the petitioner has filed process fee but has not furnished latest and correct address of unserved respondent Nos. 2, 4 and 5. Counsel for the petitioner has also not filed proof of deposit of Rs. 500/- with Supreme Court Legal Service Committee as cost till date in terms of Court's order dated 30.8.2012.

Service is not complete in respect of respondent nos. 2, 4 and 5.

It is lastly submitted that pursuant to Court's Order dated 1.8.2011 the amount of Rs.7,38,554/- deposited by the counsel for the petitioner as compensation was invested in F.D.R. and is being renewed from time to time. Now its maturity date is 28.2.2014.

The matter is listed before the Hon'ble Court with this office report.

Dated this the 29th day of October, 2013.

ASSISTANT REGISTRAR

Copy to:-Mr. R.P. Goyal, Adv.  
Ms. Aditi Gupta, Adv.

ASSISTANT REGISTRAR

YKS