

SECTION - XV  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 19037 OF 2013

WITH PRAYER FOR INTERIM RELIEF

KINGFISHER AIRLINES LTD.

PETITIONER

VERSUS

CAPTAIN KARL WYKES

RESPONDENT

OFFICE REPORT ON DEFAULT

The matter above-mentioned was listed before th hon'ble court on 10.05.2013, when the Court was pleased to pass the following Order:-

**"Issue notice on the special leave petition and on the prayer for interim relief as well."**

Accordingly, show cause notice was issued to the sole respondent through Regd AD post but neither AD card nor unserved Regd. Cover has been received back.

Thereafter, the matter was listed before the Ld. Registrar Court on 18.03.2015, when the following order was passed:-

**"Fresh steps for providing the correct and better particulars for the sole espondent have not been taken by the petition. Despite warnings and despite two weeks' time, as a special chance, the same has not been furnished even till date. Further opportunity is declined.**

**The matter be placed before the Hon'ble Judge in Chamber for further directions."**

It is submitted that inspite of several opportunities given by the Ld. Registrar Court, counsel for the petitioner has not taken fresh steps for efecting service of notice in respect of sole respondent so far.

Hence, Office report on default in the matter above-mentioned was listed before the Hon'ble Judge-in-chamber on 30.07.2015, when the following order was passed:-

**"Learned counsel for the petitioner says that he will move an application for substituted service.**

**Matter be listed as and when such an application is filed."**

It is further submitted that pursuant to order quoted above, the Advocate for the Petitioner has not moved an application for substituted service so far. The office report on default in matter above-mentioned was listed before the Hon'ble Judge-in-chamber on 09.08.2016, when the following order was passed:-

**"Learned counsel prays for and is granted two weeks' time to file appropriate application seeking discharge from the matter."**

It is further submitted that as the Advocate for the Petitioner has still not filed an application for discharge from the matter, office report on default in the matter above-mentioned was listed before the Hon'ble Judge in Chamber on 16.9.2016, when the Court was pleased to pass the following order :-

**"One week's time is granted to the learned counsel for the petitioner to comply with the office report dated 31<sup>st</sup> August, 2016."**

The matter above-mentioned was listed before the Id. Registrar Court on 20.10.2016, when the court was pleased to pass the following order:-

**"Registry to process the matter for listing before the Hon'ble Judge in Chambers in terms of the order dt.16.9.2016 alongwith detailed office report."**

It is lastly submitted that the Advocate for the Petitioner has neither provided correct and better particulars of the sole respondent nor moved an application for substituted service, as prayed for by him before the Hon'ble Court earlier. He has also not filed an application for discharge from the matter so far.

Hence, the office report on default in matter above-mentioned is listed before the Hon'ble Judge-in-chamber.

Dated this the 07<sup>th</sup> day of November, 2016.

Copy to: M/s. Khaitan & Co., Adv.

ASSISTANT REGISTRAR

ASSISTANT REGISTRAR