

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

TRANSFER PETITION (CRL.) NO(s). 277-278 OF 2008

SUVASINI DAS & ANR.

Petitioner(s)

VERSUS

M/S UDAY EMPORIS P.LTD.

Respondent(s)

(With appln(s) for stay)

Date: 30/01/2009 These Petitions were called on for hearing today.

For Petitioner(s) Mr. Anupam Lal Das,Adv.
Mr. Suchit Mohanty,Adv.

For Respondent(s) Mr. Jay Savla,Adv.
Mr. T.S. Joseph,Adv.

UPON hearing counsel the Court made the following
ORDER

Learned Advocate Mr. Suchit Mohanty appearing on behalf of the petitioner states that it is difficult for their client being lady to serve the dasti notice personally upon unserved respondent and that he has already sent the dasti notice to his client on 18.12.2008.

Learned Advocate Mr. T.S. Joseph appearing on behalf of the respondent has pointed out that the Trial Court has not issued summons against Respondent Nos. 4 and 5 herein who are shown as accused Nos. 5 and 6 in original complaint and that by an order dated 9th March, 2007, Trial Court has specifically dismissed the complaint against accused No.5.

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Thereby learned Advocate for the respondent is pressing to list the matter before the Hon'ble Court. So far as Jurisdiction and powers of this Court is concerned this Court has to see that service and pleadings are complete in all respects.

It is for the litigant to take appropriate steps for necessary parties before the Hon'ble Court at the time of issuance of notice or by an appropriate application.

Registry has to explain in writing that why order dated 20th January, 2009 regarding enquiry from the concerned Court has not complied till date.

In view of the controversy, Registry has to intimate the concerned Court to confirm the service upon unserved respondent and to forward proof of service upon unserved respondent by fax, without fail, before 23rd February, 2009.

List the matter on 23rd February, 2009.

(S.G. Shah)
Registrar

*MG.