

LISTING ON 29.11.2016  
REGISTRAR COURT NO. 2  
ITEM NO. 11

SEC.IV-A

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 11403 OF 2013  
WITH PRAYER FOR INTERIM RELIEF

Sathyanarayana Reddy

...Petitioner

Versus

K. Jayalakshmi & Ors.

...Respondents

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 11.03.2013, when the Court was pleased to pass the following Order:

*“Issue notice on the application for condonation of delay as well as on the special leave petition.”*

Accordingly, show cause notice was issued to all the five respondents on 02.04.2013 through Regd. A.D. Post. Mr. S.N. Bhat, Advocate has put in appearance on behalf of Respondent Nos. 1 to 3 & 5, but no Counter Affidavit filed on their behalf.

It is submitted that Respondent No. 4 has expired and Ms. Anjana Chandrashekar, Advocate for the petitioner has filed applications for bringing on record the Lrs. of deceased Respondent No. 4, condonation of delay in filing the application and setting aside abatement. The said applications are registered as I.A. Nos. 2, 3 and 4. Chamber summons was endorsed for effecting service on the Lrs. of (D) Respondent No. 4 and counsel has on 22.01.2013 filed refusal affidavit stating therein that the proposed Lrs. of deceased Respondent No. 4 have refused to receive the chamber summons.

Thereafter, pursuant to Registrar's Order dated 11.02.2016 notice of motion was issued to the proposed Lrs. of deceased Respondent No. 4 through the concerned Trial Court on 10.03.2016 for effecting service and Trial Court report has been received back on 27.10.2016 stating therein that the notice could not be served with remarks “No such person is residing in the address.”

Therefore, the substitution applications could not be listed before the Hon'ble Judge in Chambers for orders as notice could not be served upon the proposed Lrs. of deceased Respondent No. 4.

The matter above mentioned was lastly listed before the Registrar Court on 28.10.2016, when the following Order was passed:

*“Respondent Nos.1 to 3 and 5 have failed to file the counter affidavit within the period stipulated under the rules.*

*Service report received from the concerned Court shows that Lrs. of deceased respondent No.4 could not be served as no such person is found there. Hence, learned counsel for the petitioner shall within a period of four weeks file the fresh particulars of the said respondent and he shall also take fresh steps for the service of notice to him within the same period.*

*List again on 29.11.2016.”*

Accordingly, counsel for the petitioner was required to take fresh steps for effecting service upon the proposed Lrs. of deceased Respondent No. 4, but counsel has instead on 16.11.2016 filed a letter (copy enclosed) stating therein that Respondent No. 4 is same as Petitioner No. 4 in the main matter (i.e., SLP(C) No. 16898/12) and service upon the Lrs. of Petitioner No. 4 in the main matter is complete, and service may be complete upon the Lrs. of Respondent No. 4 in this matter.

The matters above-mentioned are listed before the Registrar Court with this office report for orders.

Dated this the 25<sup>th</sup> day of November, 2016.

ASSISTANT REGISTRAR

Copy to:  
Ms. Anjana Chandrashekar, Advocate  
B-505, Express Greens Apartment

Mr. S.N.Bhat, Advocate  
217, New Lawyers Chamber

ASSISTANT REGISTRAR

-pc4