

VITEM NO.23

COURT NO. R-2

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).10382/2006

(From the judgement and order dated 19/05/2006 in CMWP No.
44749/2005 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

CHHAYA RANI

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 28/11/2006 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Dinesh Kumar Garg,Adv.

For Respondent(s)

Mr. V.P. Singh,Adv.

Mr. Shrish Kumar Misra,Adv.

UPON hearing counsel the Court made the following
O R D E R

The Hon'ble Court on 29.6.2006 passed an order to issue notice and in view of the statement of the petitioner regarding status of the service of the petitioner interim stay of the operation of the impugned order. Thereafter, on 26.9.2006 respondent No. 4 has filed counter affidavit and on 27.9.2006 respondent No. 5 has filed counter affidavit.

Learned counsel Mr. Sanjeev Bhatanagar appearing for Ms. Kusum Choudhary, Advocate for respondent No. 5 is pressing to list the matter before the Hon'ble Court considering such interim stay stating that they are the only effecting party and therefore petitioner is not taking appropriate steps to serve the other unserved respondents for more than four months. On 9.10.2006 this

court has passed an order to issue fresh notice by registered A.D. post to respondent No.1 and also allowed the petitioner to serve the Standing Counsel for the State of U.P. Unfortunately, petitioner has failed to file process fee and spare copies for issuance of notice and today learned counsel Mr. Vivek Gupta appearing for Mr. D.K. Garg, Advocate for the petitioner seeks further time to take appropriate steps for service to respondent No. 1. On verification it is found that respondent Nos. 2, 3 and 4 are duly served by courier agency since their acknowledgment slips are on record. So far as respondent No. 1 is concerned instead of issuance of notice to respondent No. 1 namely The State of U.P., through the Secretary, Higher Education, Civil Secretariat, Lucknow(U.P.) this courier service has sent the notice to the Registrar General, High Court of Judicature at Allahabad, U.P., Allahabad and therefor respondent No. 1 could not be served till date. The facts remains same that even after 9.10.2006, petitioner has not served respondent No. 1 or his standing counsel.

Considering the objection by the respondent No.5 regarding attitude of the petitioner, petitioner is directed to take immediate steps to serve respondent No. 1 by dasti service before 15.12.2006.

However, office is directed to list the matter before the Hon'ble Court immediately after 15.12.2006 irrespective of service to respondents.

(S.G.SHAH)

Registrar