

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

B E F O R E T H E R E G I S T R A R S . G . S H A H

T R A N S F E R P E T I T I O N (C I V I L .) N O (s) . 5 1 7 O F 2 0 1 0

MAYURA SHIKAR KHANDELWAL

Petitioner(s)

V E R S U S

SHIKHAR SHRIKRISHNA KHANDELWAL

Respondent(s)

(With appln(s) for substituted service, exemption from filing O.T., stay and office report)

Date: 19/10/2011 This Petition was called on for hearing today.

For Petitioner(s)

Mr Prashant R Dahat, Adv.
Mr. Ravindra Keshavrao Adsure, Adv.

For Respondent(s)

U P O N h e a r i n g c o u n s e l t h e C o u r t m a d e t h e f o l l o w i n g
O R D E R

Prayer of IA No.3 filed on 26.4.2011 is already allowed by the Registrar in Chamber vide order dated 30.4.2011. Thereafter registry has received a report from the District Judge, Bareilly stating that notice on the respondent is insufficient and as per endorsement below the notice made by the process server and endorsement by the Assistant Nazir of the Bareilly Court probably respondent is not residing at the given address since the last twelve months and nobody knows his present address.

However, in such situation, the process server has to affix the notice at the given address as provided under CPC, more particularly for the simple reason that unserved

-2-

Item No.12

respondent herein is petitioner before such Court and he himself has disclosed his address in his H.M. Case No.125/2009 before such Court at Bareilly. Therefore, if petitioner before the Court is not found at the given

address, the process server in such case can certainly affix the notice at the given address and he has to file appropriate report as provided under CPC. It is repeatedly conveyed in different orders that in such situation Trial Court can take appropriate steps under CPC if litigant before him has failed to disclose his proper address either on the date of filing of the litigation or as and when he changes his address. In such cases, such petition can be dismissed for want of proper address. In such cases notice can even be served through the concerned Advocate who has filed appearance for such litigant before such Trial Court.

Registry has to enquire from the Bareilly Court as to what steps are taken by that Court after getting the endorsement from the Process server dated 13.5.2011, in view of letter dated 3.5.2011 by this Court permitting that Court to confirm service through counsel of the respondent-petitioner before such Court.

List again on 14.12.2011.
(S.G.SHAH)
REGISTRAR

hj