

LISTED ON 20.07.2015

COURT NO. 4

ITEM NO. 5

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS.
19856-19857 OF 2010

WITH

INTERLOCUTORY APPLICATION NOS. 2 & 3

(Application on behalf of the petitioner for recalling the Order dated 8.11.2011 as well as for permitting the petitioner to serve Respondent Nos. 3 & 4 by substituted service with affidavit)

Anuradha Agrawal

..Petitioner

Versus

M/s East India Carpet Co. Ltd. & Ors.

..Respondents

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Judge in Chamber on 08.11.2011 with an Office Report dated 20.05.2011, when the Court was pleased to pass the following Order:

On 3.3.2011, the matters were listed before the Registrar, nobody appeared for the petitioner. The petitioner was given last chance to disclose the outcome of dasti service before 14.4.2011. Office Report indicates that Mr.Mohan Pandey, Advocate has not disclosed the outcome of Dasti Service in respect of Respondent Nos.3 and 4 so far. Hence service of Show Cause Notice is not complete on Respondent Nos.3 and 4.

Today, counsel for the petitioner is not present. Hence four weeks' time is granted to the petitioner to take necessary steps as per the Office Report. If necessary steps are not taken within four weeks, it will be presumed that the petitioner is not interested in serving Respondent Nos.3 and 4 and the Special Leave Petition shall stand dismissed for want of prosecution as against Respondent Nos.3 and 4 without further reference to the Court.

The matters above mentioned were again listed before the Hon'ble Judge in Chamber on 04.05.2012, when His Lordship was pleased to pass the following Order:

"Order dated 8.11.2011 is recalled subject to the petitioner depositing a cost of Rs.5,000/- with the Supreme Court Legal Services Committee and further to take steps for service of notice on respondent Nos. 3 and 4 within six weeks.

The application filed by the petitioner for substituted service on respondent Nos. 3 and 4 is allowed. The petitioner is given six weeks' time to file proof thereof failing which the applications shall stand dismissed."

It is submitted that there are four respondents in both the matters. Kishori Devi Agrawal respondent No. 3 in SLP No. 19856 of 2010 is common as respondent No. 2 in SLP No. 19857 of 2010 and Hemlata Agrawal is respondent No. 4 in SLP No. 19856 of 2010 is common as respondent No. 3 in SLP No. 19857 of 2010.

It is submitted that counsel for petitioner has not deposited a cost of Rs. 5000/- with the Supreme Court Legal Service Committee and has not taken steps in respect of respondent Nos. 3 and 4 in SLP (C) No. 19856 of 2010 which are common respondent Nos. 2 and 3 in SLP (C) No. 19857 of 2010. Hence the SLP has already been dismissed against respondent numbers 3 and 4 in SLP 19856 of 2010. Respondent numbers 2 and 3 in SLP number 19857 of 2010 are common same as respondent no. 3 & 4 in SLP (C) No. 19856 of 2010 and the same are pending for orders.

The matter above mentioned was administratively listed before the learner Registrar on 25.06.2013 when the following order was passed:-

"Counsel for the petitioner has not comply the order on 04.05.2012, hence SLP stand dismissed against Respondent no. 3 & 4 in SLP No. 19856 of 2010. Respondent NO. 2 & 3 are the common respondent in SLP is 19857 of 2010 is still pending. List before the Hon'ble Judge in chamber with detailed office report for direction."

Thereafter, the matters above mentioned were listed before the Hon'ble Judge in Chamber on 03.12.2014, when the Court was pleased to pass the following Order:

"None appears for the petitioner."

In view of the order dated 08.11.2011 the special leave petition already stands dismissed as against respondent Nos.3 and 4 in SLP(C) No.19856 of 2010.

In respect of other respondents, the matter will be listed before the Court along with connected SLP(C) No.19857/2010."

It is submitted that no further document has been filed by the parties, so far.

The matter above mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 16th day of July, 2015.

COPY TO: Mr. Mohan Pandey, Advocate
Mr. Vikas Mehta, Advocate

ASSISTANT REGISTRAR

ASSISTANT REGISTRAR