

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).15632-15636/2011

KAPIL DEV

Petitioner(s)

VERSUS

TARSEM SINGH AND ORS. ETC. ETC.  
(With office report)

Respondent(s)

Date: 30/04/2012 These Petitions were called on for hearing today.

For Petitioner(s)

Ms. Madhumeet Kapur, Adv.  
Mr. S.K. Sabharwal, Adv.

For Respondent(s)

Mr. Rajiv Mohan B., Adv.  
Mr. Sonal Jain, Adv.

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

It is unfortunate that though Original Civil Suit filed by the present respondent No.1 seems to be pending before the Civil Court, petitioner herein has filed an improper affidavit on 14.3.2012 stating that notice upon respondent Nos.1 to 4 is served by him through dasti mode. Unfortunately, on verification of confirmation of notice upon the respondents, it has been found that at least for respondent No.4, there is an endorsement below the notice that respondent No.4 has left the Organization long back. Such endorsement is done by some officers of the HDFC Bank.

Item No.27

-2-

Petitioner is also ex-officer of the same HDFC Bank.

It is

disturbing to note that even there is specific endorsement that notice has not been served upon respondent No.4, petitioner has an audacity to say on oath that he has confirmed service on respondent No.4. Petitioner still compels the Court to believe that notice upon all the respondents are properly served. On disclosure of such fact now learned counsel for the petitioner says that they have disclosed all the details of Trial Court also and they would

like to confirm service through Trial Court also.

They want

some more time to confirm service.

Same is the situation so far as respondent No.1, namely, Shri Gurcharan Singh in SLP(C) No.15636/2011 is concerned. It seems that though he is not residing at Ludhiana and there is an endorsement below the notice that he is residing at Amritsar, petitioner has an audacity to say on oath that they have confirmed service on him also.

Same is the situation so far as respondent No.1 in SLP(C) No.15636/2011, namely, Sukhvinder Singh is concerned. It seems that notice has not been properly served, there is no endorsement regarding acceptance of notice probably what is endorsed is that notice is required to be served at Ludhiana.

Item No.27

-3-

Though it is mandatory to file translation of all documents, petitioner has failed to file translation of endorsement below such notice, rubber stamps are also not legible it seems that it is by the HDFC Bank and not by the Civil Court. Therefore, it is difficult to delay such endorsement.

In fact the affidavit of service dated 13.3.2012 filed by the petitioner on record on 14.3.2012 states that he had personally visited to serve dasti notice on respondents and receipt of stamp dasti service is enclosed and that the service on respondent Nos.1 to 4 is, thus, now complete.

This

is a false statement on oath and it certainly requires to be taken up seriously. This fact shall be placed before the Hon'ble Judge in Chambers, if matter is listed before the Hon'ble Judge in Chambers on any such issue or even before the Hon'ble Court, when matter is listed for final hearing.

If petitioner fails to take appropriate steps to confirm service upon the unserved respondent by appropriate mode or fails to file proper proof of service before 11.5.2012, list before the Hon'ble Judge in Chambers for non-

prosecution, disclosing about the details to the Chamber  
Judge.

(S.G. SHAH)  
REGISTRAR

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