

LISTED ON:

CHAMBER MATTER.:

ITEM NO.:

SECTION-IX

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 23104 OF 2013

MUSAMIYA IMAMHAIDER BUX RAZVI

...PETITIONER

-VERSUS-

RAHEMANBHAI JAMALBHAI IBRAHIM (DECEASED)

BY LRS & ORS

...RESPONDENT

OFFICE REPORT FOR DIRECTION

The matter above mentioned was listed before the Hon'ble Judge in Chamber on 25<sup>th</sup> July, 2016, when the Court was pleased to pass the following order:-

**"Two weeks' time, as a last opportunity, is granted to the learned counsel for the petitioner for taking fresh steps for service on unserved respondents, failing which, the petitions in which there shall be default shall stand dismissed without further reference to the Court."**

It is submitted for the information of the Hon'ble Court that fresh notice was issued to unserved Respondent Nos. 13 to 15 by registered A.D. Post on 16<sup>th</sup> August, 2016. As per india post tracking report notice received back from Respondent Nos. 13, 14 & 15 with remarks "door locked". However respondent No. 13 is also respondent No. 1 in connected SLP (C ) No. 22680 of 2013 and A.D. Card duly signed has been received back but no one has entered appearance.

Thereafter the matter was listed before the Ld. Registrar's Court on 16<sup>th</sup> January, 2017, when the Court interalia pass the following order:-

"SLP (C) No. 23104/2013

None appears for respondent nos. 1,2,5,12,13, 16 and 17 despite due service.

Respondent nos. 3,4 and 6 to 11 are granted four weeks time as last opportunity for filing counter affidavit.

Spare copies and fresh address of respondent nos. 14 and 15 be furnished within two weeks time, as last opportunity. Notices thereafter be issued. Dasti in addition is allowed.

List again on 20.2.2017.”

It is submitted that counsel for respondent nos. 3, 4 and 6 to 11 has not filed counter affidavit so far.

It is further submitted that counsel for the petitioner has not filed spare copies and fresh address of respondent nos. 14 and 15 due to that fresh notice could not be issued.

Lastly, the matter was listed before the Ld. Registrar Court on 20<sup>th</sup> February, 2017 when the Court interalia passed the following Order:-

“SLP (C) No. 23104/2013

Respondent nos. 3,4 and 6 to 11 have not filed counter affidavit despite last opportunity having been granted, as such, further opportunity is declined.

Spare copies and address of respondent nos. 14 and 15 have not been filed/furnished, as such, let the matter be placed before the Hon'ble Judge in chambers for the further directions.”

It is submitted that counsel for the petitioner has on 31<sup>st</sup> March, 2017 filed spare copies alongwith fresh address of respondent nos. 14 and 15.

Service of notice is not complete on Respondent Nos. 14 and 15.

The matter above mentioned is listed before the Hon'ble Judge in Chamber with this office report for directions.

Dated this the 21<sup>st</sup> day of March, 2017.

ASSISTANT REGISTRAR

Copy to:- 1. Mr. Mohan Pandey, Advocate  
2. Ms. Hemal Kiritkumar Sheth, Advocate

ASSISTANT REGISTRAR