

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).17215-17220/2010

K.GOWRHAMI (MINOR) TR.MAT.GR.MOTHER & ANR Petitioner(s)

VERSUS

NEW INDIA ASSURANCE CO.LTD.& ANR. Respondent(s)

(With prayer for interim relief and office report )

Date: 18/10/2010 These Petitions were called on for hearing today.

For Petitioner(s) Mr. Vivek Sharma, Adv.  
M/S. Temple Law Firm,Adv.

For Respondent(s) Mr. A.K. Panda, Adv.

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

Nobody is present for the petitioners.

It is unfortunate that even after repeated orders in several cases, the learned advocates are filing improper proof of service affidavit on record.

In the present case, so far as respondent No.2 is concerned there is no single statement in the affidavit filed on 6.8.2010 that whether respondent No.2 is properly served or not.

Whereas with such affidavit at annexure P-1 a copy of the letter addressed by the learned advocate for the petitioner to the respondent is filed which bears endorsement regarding receipt of such letter by respondent No.1 for whom the learned advocate Mr. Panda appears.

However, so far as respondent No.2, namely, S. Senthil Kumar is concerned, the receipt of sending such letter by registered post to one Mr. S. Senthil Kumar, is affixed at the bottom of such letter.

As stated above, however, there is no statement in the

affidavit regarding confirmation of service upon respondent No.2.

It is very unfortunate that repeatedly the learned advocates are filing receipt of sending registered post letter as proof of service when dasti notices are issued, instead of filing proof of service in form of proper acknowledgment.

There is always repeated orders to confirm service by dasti mod through the nearest civil court/Trial court.

If dasti notice is to be forwarded through registered post, then such notices are always being forwarded by the registry itself and there would be no necessity to direct the petitioner to confirm service by dasti mode.

In view of the above facts, there is no proper proof of service upon respondent No.2

Affidavit does not confirm service on respondent No.2

Nobody is present for the petitioner to see that how respondent No.2 can be served at the earliest.

Hon'ble Court has allowed dasti on 9.7.2010 with a specific direction to serve copy of such order upon the respondent alongwith notice.

In view of the above facts and circumstances, since petitioner has failed to serve unserved respondent No.2 and more particularly when respondent No.1 has already filed counter affidavit on record on 1.10.2010, list this matter before the Hon'ble Judge in Chambers for non-prosecution against respondent No.2

(S.G. SHAH)  
REGISTRAR

dk