

SECTION: XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No.13976/2013

Union of India & Ors.

Petitioners

VERSUS

M/s Hari Nagar Sugar Mills Ltd. & Anr.

Respondents

OFFICE REPORT FOR DIRECTIONS

The office report on default in the matter above mentioned was listed before Hon'ble Judge in Chambers on 09.09.2015, when the Court was pleased to pass the following order:-

"AS prayed, two weeks' time is granted to the learned counsel for the petitioners for seeking deletion of name of unserved respondent No. 2."

It is submitted that counsel for the petitioners has not filed application for deletion of name of unserved respondent no. 2 so far.

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

DATED THIS THE 31st DAY OF OCTOBER, 2015.

ASSISTANT REGISTRAR.

INTERLOCUTORY APPLICATION NOS. 7-9

(Application for exemption of time)

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PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No.13976/2013

Union of India & Ors.

Petitioners

VERSUS

M/s Hari Nagar Sugar Mills Ltd. & Anr.

Respondents

OFFICE REPORT

The matter above mentioned was listed before Hon'ble Court on 05.04.2013, when the Court was pleased to pass the following order:-

"Delay condoned.

Notice.

Learned counsel, on caveat, enters appearance and accepts notice.

Counter affidavit, if any, be filed in four weeks' time. Rejoinder affidavit, thereto, if any, be filed in two weeks' time thereafter.

Call the matter thereafter."

It is submitted that pursuant to aforesaid order show cause notice was issued to Respondent No. 1 through M/s. Khaitan & Co., Advocates and to Respondent No. 2 on 23.04.2013 by registered AD. Counter Affidavit filed by counsel appearing for Respondent No. 1 and Rejoinder Affidavit filed by counsel for the petitioners have been included in SLP Paper Books. Unserved cover containing notice has been returned in respect of respondent No. 2 with postal remarks "Not known".

It is further submitted that counsel for the petitioners has on 28.11.2014 filed an application for substituted service by way of publication of notice in respect of unserved Respondent No.2 and the same is defective for the reason that (i) language and edition of news paper and (ii) whether the newspapers have wide circulation in the area has not mentioned in the application.

For non curing the defects in the application for substituted service the matter was listed before the Ld. Registrar's Court from time to time and on 30.03.2015, when He was pleased to pass the following order:-

"Counter affidavit on behalf of Respondent No. 1 is already on record.

Despite opportunity granted to the ld. Counsel for the petitioner to cure the defects in the application for substituted service by way of publication, defects have not yet been cured. However, as last opportunity two weeks time is granted to cure the defects.

Liberty is also granted to the ld. Counsel for the petitioner to make out appropriate application for deletion of Respondent No.2.

Post again on 24.07.2015."

The matter was lastly listed before the Court of Ld. Registrar on 24.07.2015, when the following order was passed:-

"What gets revealed from the perusal of the office report is that the Ld. Counsel for the petitioners has neither cured the defects in the application for substituted service nor has she filed the application for deletion of unserved respondent No. 2. Viewed in that context, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further future directions. Await orders. List thereafter."

It is submitted that counsel for the petitioners has neither cured the defects in the application for substituted service by way of publication of notice in respect of unserved respondent No. 2 nor has filed application for deletion of name of unserved Respondent No. 2 so far.

The default on the part of counsel for the petitioner is reported to the Hon'ble Judge in Chamber with this office report .

DATED THIS THE 31st DAY OF JULY, 2015.

ASSISTANT REGISTRAR.

Copy to :

Mrs. Anil Katiyar Advocate
M/s Khaitan & Co., Advocate

ASSISTANT REGISTRAR

P-2/Avi