

LISTED ON 26.7.2013

COURT NO. 4

ITEM NO. 9

SEC-IVA

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.11319 OF 2006  
WITH PRAYER FOR INTERIM RELIEF  
AND

INTERLOCUTORY APPLICATION NOS. 1 & 2

(Applications for condonation of delay in filing & refiling the SLP )

NATIONAL INSURANCE COMPANY LIMITED PETITIONER

VERSUS

RAM SHARAN SONI & ORS.

RESPONDENTS

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 4.7.2006 when the Court was pleased to pass the following Order:

'Counsel for the petitioner has produced the Insurance Cover Note before this Court and has also referred to the Insurance Policy issued by the Petitioner-Company. It is submitted that the carriage of passengers is confined to the carriage of employees, not exceeding six in number, and does not include the driver.

Issue notice.

In the meanwhile, there shall be stay of the impugned order.'

Accordingly, show Cause notice was issued to all the three Respondents through Regd. A.D. Post on 18.7.2006. Neither A.D. Card nor unserved cover containing the notice has been received back from any of the Respondents so far.

Pursuant to Ld. Registrar's Order dated 17.10.2006, fresh dasti notice was issued to counsel for the petitioner for effecting service of all the three respondents. He has filed an affidavit of dasti service stating therein that all the three respondents were not found at their addresses. Hence, show cause notice could not be served on them.

It is submitted that counsel for the petitioner instead of furnishing the fresh addresses has filed an application for

substituted service by way of publication in newspaper. The said application has been allowed by the Ld. Registrar's Order dated 28.3.2007. Accordingly, show cause notice was issued to counsel for the petitioner for publishing the notice in the newspapers.

It is further submitted that counsel for the petitioner instead of filing the affidavit of publication has filed a fresh application for substituted service by way of publication in newspapers. The same was allowed by Ld. Registrar's Order dated 4.2.2011, show cause notice was issued to counsel for the petitioner in respect of all the three respondents and counsel has filed an affidavit of publication with proof. But there is no appearance on behalf of any of the respondents, till now.

Service of show cause notice is complete by way of publication.

Thereafter, the matter was lastly listed before the Ld. Registrar Court on 21.7.2011 with an office report dated 20.7.2011 when he was pleased to pass the following Order :

'Learned counsel for the petitioner has filed the affidavit of service with its proof. None of the respondent has entered the appearance. No application on their behalf. Hence, list the matter before the Hon'ble Court as per the Rules.'

In view of the above said order, the matter above mentioned is listed before the Hon'ble Court with this report.

Dated this the 17<sup>th</sup> day of June, 2013.

ASSISTANT REGISTRAR

Copy to : Ms. Shalu Sharma, Adv.

ASSISTANT REGISTRAR