

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).20008/2011

C.I.T NAGPUR & ANR.

Petitioner(s)

VERSUS

RAJAGOPALA RAO(D) TR.LR. Respondent(s)
(With appln(s) for c/delay in filing SLP and office report)
WITH SLP(C) NO. 21561, 21563, 24994 of 2011
(With office report)

Date: 25/04/2012 This Petition was called on for hearing today.

For Petitioner(s)

Mr Zaki Ahmad Khan, Adv.
Mr. B.V. Balaram Das,Adv.

For Respondent(s)

Mr Ashu Kansal, Adv.
Mr. P.N. Gupta,Adv.

UPON hearing counsel the Court made the following

O R D E R

Proof of service filed on 2.12.2011 is not proper. In as much as it has been stated on oath that original respondent, Ms R Indira is now no more. In that case, a notice served upon her daughter cannot be treated as proper proof of service on original respondent who is not alive. There cannot be any litigation against a dead person. Court has passed an order to issue notice on 2.9.2011. More than six months has passed. When petitioners are aware about the status of the sole respondent and when petitioner has failed to take appropriate steps as per law, there is no option but to list before the Hon'ble Judge in Chambers for non-prosecution or for abatement against R.Indira.

In connected SLP, as last chance, respondent may file counter affidavit before 6.7.2012.

List before the Hon'ble Court thereafter.

(S.G.SHAH)
REGISTRAR

hj