

SECTION IV B
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Ch. Matter
Listed on
Court No.
Item No.

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL) NO. 26661 OF 2009

WITH PRAYER FOR INTERIM RELIEF

Jalandhar Improvement Trust ...Petitioner(s)

Versus

Agya Ram Thapar(D) Th: Lrs. & Ors. ...Respondent(s)

OFFICE REPORT ON DEFAULT

The I.A Nos. 3-7(Application for substitution to bring on record the Lrs. of deceased respondent nos. 1(i), 1(iii) and 1(iv) on 16.11.2015 with office report dated 19.6.2015 was listed before the Hon'ble Court (In Chamber) when the court was pleased to pass the following order:-

" Issue notice on substitution application and also on application for condonation of delay."

Accordingly, show cause notice by Registered A.D. Post to all the proposed Lrs. was issued on 5.12.2015. Unserved cover containing notices from all the proposed Lrs. of deceased respondent respondent Nos.1(i), 1(iii) and 1(iv) with the remarks "Left without Address" has been received.

It is submitted that that Neither A.D. Cards nor unserved cover containing notice for respondent Nos.1(ii) and Respondent No.3 has been received back so far.

It is further submitted that counsel for the petitioner has not taken any fresh steps in respect of all the proposed Lrs. of deceased respondent nos. 1(i), 1(iii), 1(iv) and unserved respondent Nos. 1(ii) and 3 so far.

The matter above mentioned from time to time was listed before the Ld. Registrar for completion of service

and lastly on 21.7.2016, when the following order was passed:-

" The Learned Counsel for the petitioner has failed to take fresh steps for the service of notice to the Lrs. of the deceased Respondent Nos.1(i), 1(iii), 1(iv) and unserved respondent Nos. 1(ii) and 3 despite opportunities. 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 petitioner after Ld. Registrar court's order dated 28.4.2016 has on 29.7.2016 filed 2 sets of spare copies of I.As and SLP for issuance of fresh show cause notice on unserved respondent Nos. 1(ii) and 3 only which is barred by time by 33 days but he has not filed application for condonation of delay in filing spare copies, hence notice could not be issued.

The office report on default in the matter mentioned above is listed before the Hon'ble Court(In Chamber).

Dated this the 1st day of August, 2016.

ASSISTANT REGISTRAR

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ASSISTANT REGISTRAR

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