

SECTION IV B Ch. Matter
Listed on gh
IN THE SUPREME COURT OF INDIA Court No.
CIVIL APPELLATE JURISDICTION Item No.

INTERLOCUTORY APPLICATION NO. 3

(Application for substitution of LRs. of deceased of respondent Nos. 1(i), (iii) & (iv))

AND

INTERLOCUTORY APPLICATION NO. 4

(Application for condonation of delay in filing substitution)

AND

INTERLOCUTORY APPLICATION NO. 5

(Application for setting aside abatement)

AND

INTERLOCUTORY APPLICATION NO. 6

(Application for exemption from filing Death Certificate of deceased respondent no. 1(iii))

AND

INTERLOCUTORY APPLICATION NO. 7

(Application for exemption from filing official translation of death certificate)

IN

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 matter above mentioned was listed before the Hon'ble Court on 05.10.2009 when the Court was pleased to pass the following order :-

"Delay condoned.

Issue notice on the application for stay as well as on Special Leave Petition."

Accordingly, show cause notice to all the 4 respondents through Registered A.D. Post was issued on 21.11.2009.

It is submitted that matter above mentioned was listed before the Hon'ble Court (In chamber) on 04.12.2014 with office report on default dated 10.11.2014, when the Court was pleased to pass the

following order:

"The Learned counsel for the petitioner prays for and is allowed further two weeks' time to take steps in respect of unserved respondents."

It is further submitted that counsel for the petitioner has on 16.01.2015 filed application for substitution of LRs. of deceased respondent No. 1(i), 1(iii) & 1(iv) alongwith application for condonation of delay for condoning the delay of 6094, 2086 & 6661 days respectively and application for setting aside abatement, exemption from filing Death Certificate of respondent No. 1(4) & exemption from filing official translation.

It is further submitted that Notice of Motion was endorsed to the counsel for the petitioner on 28.02.2015 and was requested to serve Notice of Motion and filed affidavit with proof of service of Notice of Motion, but counsel has not filed affidavit alongwith proof of service of Notice of Motion so far.

The matter above-mentioned again was listed before the Hon'ble Court (In Chambers) on 10.04.2015 with office report on default dated 01.04.2015, when the Court was pleased to pass the following order:

" The ld. Counsel prays for three weeks time for filing an application for substituted service on respondent nos. 1(i), 1(iii) and 1(iv). Time as prayed for is allowed.

So far as unserved respondent no. 3 is concerned, ld. Counsel states that process fee has already been filed on 07.02.2015.

As prayed, fresh steps be taken to serve respondent no. 1(ii) within three weeks."

It is further submitted that counsel for the petitioner has not complied the aforesaid order so far. Counsel has neither filed an application for substituted service in respect of Lrs. of deceased respondent nos. 1(i), (iii) and (iv) nor he has filed process fee and spare copies of SLP for re-issuance of show cause notice

to unserved respondent nos. 1(ii) and 3 so far. Three weeks time granted by the Hon'ble Court has expired on 01.05.2015.

The default on the part of petitioner is therefore, listed before the Hon'ble Judge (In Chambers) for orders.

Dated this the 19th day of June, 2015.

ASSISTANT REGISTRAR

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