

SECTION XII

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL) Nos. 31178 of 2011

WITH

PRAYER FOR INTERIM RELIEF

Parvathi Bai & Ors.

...Petitioners

versus

Kamalam & Ors.

...Respondents

OFFICE REPORT ON DEFAULT

The matter above mentioned was listed before the Ld. Registrar's Court on 27th March, 2015, when the following Order was passed:-

"Fresh steps for the service of notice to the unserved respondent no.2 shall be taken by the learned counsel for the petitioners within a period of four weeks. Dasti, in addition, is permitted to be served through the Trial Court the particulars of which shall be furnished by the learned counsel for the petitioners within the period stipulated above.

List again on 20.07.2015."

Subsequently, the matter was listed before the Ld. Registrar's Court on 20th July, 2015, when the following order was passed:-

"Four weeks time, as last chance is given to the learned counsel for the petitioners to comply with the terms of the order dated 27.3.2015 of this Court.

List again on 24.9.2015."

Thereafter, the matter above mentioned was again listed before the Ld. Registrar's Court on 24th September, 2015, when the following order was passed:-

"The office report indicates that although by order dated 20.7.2015 of this Court four weeks time as last chance was given to the Learned Counsel for the petitioners to take fresh steps for the service of notice to the unserved Respondent No.2, yet he has not done the needful within the period stipulated in the order. Viewed in that context, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further directions. Await orders. List thereafter."

...2/-

It is submitted that in view of Court's Order dated 20th July, 2014, Counsel for the petitioner, has on 23rd September, 2015, filed spare copy of the Special Leave Petition for being served on respondent No. 2 alongwith show cause notice, which is barred by time by 37 days, but he has not filed application for condonation of delay in filing spare copy of the Special Leave Petition. Hence, show cause notice could not be issued to unserved respondent no. 2.

Hence, office report on default is listed before the Hon'ble Judge-in-Chambers with this office report.

Dated this, the 18th day of January, 2016.

ASSISTANT REGISTRAR

COPY TO:

Mr. M.A. Chinnasamy, Advocate

Mr. G. Balaji, Advocate

ASSISTANT REGISTRAR

ac

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"Fresh steps for the service of notice to the unserved respondent no.2 shall be taken by the learned counsel for the petitioners within a period of four weeks. Dasti, in addition, is permitted to be served through the Trial Court the particulars of which shall be furnished by the learned counsel for the petitioners within the period stipulated above.

List again on 20.07.2015."

Thereafter, the matter above mentioned was again listed before the Ld. Registrar's Court on 24th September, 2015, when the following order was passed:-

"The office report indicates that although by order dated 20.7.2015 of this Court four weeks time as last chance was given to the Learned Counsel for the petitioners to take fresh steps for the service of notice to the unserved Respondent No.2, yet he has not done the needful within the period stipulated in the order. Viewed in that context, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further directions. Await orders. List thereafter."

It is submitted that in view of above order, Counsel for the petitioner, has on 23rd September, 2015, filed spare copy of the Special Leave Petition. The time granted by Registrar's Court to do the needful has already been expired on 18th August, 2015 but he has not file application for condonation of delay in filing spare copy of the Special Leave Petition. Hence, show cause notice could not be issued to unserved respondent no. 2 but he has done the needful on 23rd September, 2015.

...2/-

Hence, office report on default is listed before the Hon'ble Judge-in-Chambers with this office report.

Dated this, the 19th day of December, 2015.

ASSISTANT REGISTRAR

COPY TO:

Mr. M.A. Chinnasamy, Advocate

Mr. G. Balaji, Advocate

ASSISTANT REGISTRAR

ac

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List again on 20.07.2015."

Thereafter the matter above mentioned was again listed before the Ld. Registrar's Court on 24th September, 2015, when the following order was passed:-

"The office report indicates that although by order dated 20.7.2015 of this Court four weeks time as last chance was given to the Learned Counsel for the petitioners to take fresh steps for the service of notice to the unserved Respondent No.2, yet he has not done the needful within the period stipulated in the order. 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 has on 23rd September, 2015 complied with the terms of the order as mentioned above. Hence show cause notice could not be issued to unserved respondent no. 2.

...2/-

It is further submitted service of show cause notice is complete on rest of the respondents.

The matter above mentioned is listed before the Hon'ble Judge-in-Chambers Court with this office report.

Dated this, the 14th day of October, 2015.

ASSISTANT REGISTRAR

COPY TO:

Mr. M.A. Chinnasamy, Advocate

Mr. G. Balaji, Advocate

ASSISTANT REGISTRAR

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