ITEM NO.36 COURT NO.10 SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).23938/2011

(From the judgement and order dated 28/03/2011 in CO No.3104/2006
of The HIGH COURT OF CALCUTTA)

SILIGURI MUNICIPAL CORPN Petitioner(s)

VERSUS

KRISHNA BAHADUR CHHETRI & ORS. Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer for
interim relief and office report)

Date: 09/01/2012 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. A.K. Ganguli, Sr. Adv.
Mr. T.V.George,Adv.
Mr. Maurya Sarkar, Adv.
Mr. Sushyant Kumar, Adv.
Mr. Rakesh Taneja, Adv.

For Respondent(s) Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Kunal Chatterji,Adv.
Ms. Maitrayee Banerjee, Adv.

UPON hearing counsel the Court made the following
O R D E R

Mr. A.K. Ganguli, learned senior counsel for the petitioner submits that the summons were not served on defendant Nos. 1 to 3 and they had no knowledge of the date of the hearing. In this regard, he relies upon a decision

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of this Court in Sushil Kumar Sabharwal vs. Gurpreet Singh and others (2002) 5 SCC 377.

Issue notice returnable in six weeks.

Mr. Kunal Chatterji, advocate waives service for respondent Nos. 1 and 2. Service on remaining respondents is dispensed with.

Counter-affidavit may be filed by respondent Nos. 1

and 2 within four weeks from today.

(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master