

LISTED ON 21.10.2013
BEFORE COURT NO. 3
ITEM NO. 44

SECTION : XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) No. 23345 OF 2011

WITH

PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO. 1

(Application to condonation of delay in filing SLP)

PUNJAB & SIND BANK

... PETITIONER

VERSUS

HARI SINGH MADAN & ORS.

... RESPONDENTS

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 16.08.2011 when the Court was pleased to pass the following Order:-

"Counsel for the petitioner- Bank submits that against the order passed by the Debts Recovery Tribunal, Delhi dismissing the Bank's O.A. No.242/1997, insofar as defendant no.5 - Tejinder Singh Doabia is concerned, the petitioner-Bank has preferred an appeal before the Debt Recovery Appellate Tribunal and the appeal remains pending. The discharge of defendant no.5, therefore, is not final and that could not form the basis for the High Court to discharge respondent no.1 from his liability as a guarantor.

Issue notice in the limitation matter as well the special Leave Petition."

It is submitted that pursuant to above said order show cause notice to Respondent Nos. 1 to 5 was issued on 22.09.2011 by Regd. AD. M/s. C.S. Ashri and Jagjit Singh Chhabra, Advocates have filed vakalatnama/appearance on behalf of Respondent Nos. 1 and 5 respectively. Unserved cover containing notice to Respondent Nos. 2 and 3 were received with postal remarks "left" and in respect of Respondent No.4 expired.

It is further submitted that LRs of deceased Respondent

No.4 has been brought on record vide Hon'ble Judge in Chambers Court's order dated 05.10.2012 (already on record as Respondent No.3) and cause title has been amended accordingly in SLP paper books. Respondent nos. 2 and 3 have been served by way of publication vide Hon'ble Judge in Chambers Court's order dated 05.10.2012. Counsel for the petitioner has on 04.12.2012 filed affidavit with proof of publication. However, no one has entered appearance on behalf of Respondent nos. 2 and 3, so far.

For non-filing of counter affidavit by counsel appearing for Respondent nos. 1 and 5 the matter was listed before Ld. Registrar Court on 17.01.2013 when the following order was passed:

"Respondent Nos. 1 and 5 despite final chance granted on the last date have failed to file counter affidavit on record.

Respondent Nos. 2 and 3 are reported to be duly served but none appeared.

Respondent No.4 is reported to be dead and his legal heirs are already on record as reflected from the cause title of the petition(represented through respondent No.3.)

No further steps required to be taken in the matter. It be processed for listing before the Hon'ble Court as per rules. "

It is lastly submitted that counsel appearing for Respondent No.5 has on 14.08.2013 filed short affidavit and same has been included in SLP paper books. Counsel appearing for Respondent no.1 has not filed counter affidavit, so far.

Service is complete.

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

DATED THIS, THE 18th DAY OF October, 2013.

DEPUTY REGISTRAR

Copy to:-

1. Mr. Arjun , Advocate
2. Mr. Jagjit Singh Chhabra, Advocate
3. Mr. C. S. Ashri, Advocate

DEPUTY REGISTRAR

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