

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).13704/2007

(From the judgement and order dated 18/05/2007 in SA No. 579/2005 of The
HIGH COURT OF JUDICATURE AT ALLAHABAD)

FOOD CORPORATION OF INDIA & ANR.

Petitioner(s)

VERSUS

NIZAMUDDIN & ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 29/10/2007 This Petition was called on for hearing today.

For Petitioner(s) Mr. Govind Geol,Adv.

Dr. Kailash Chand,Adv.

Mr. Ram Naresh Yadav,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Learned Advocate Mr. Abhinav Ramakrishnan appearing on behalf of
Mr. Bharat Sangal, Advocate has appeared before this Court in the present
SLP complaining that copy of SLP @ No. 13704/ 2007 which is listed on today
is not provided to them and therefore, he could not proceed further in this
matter.

While enquiring about the unserved Respondent No.2 in the present
SLP, he is referring to one Office Report dated 20th November, 2006 and stated
that Respondent No.2 is served and hence nothing further is required to be
done. He is referring a sentence from such Report dated 20 th November, 2006
that " Respondent No.2 though served with the notice has not chosen to enter
appearance".

Since copy of such Office Report could not be found in the file of the
present case, Learned Advocate has asked to pass over the Office Report to
the Court. On verification of the Office

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Report which is tagged in the paper book it has been noticed that
the Office Report is not concerning the present SLP being SLP(C) No.
13704/2007 but it is in the C.A. No. 3414 and 3451/2006 which arises from
the SLP(C) No. 19767/2005.

Thus it is certain that though parties may be common in above Civil
Appeal arising from SLP(C) No. 19767/2005 and the present SLP, they are
required to be served in the present SLP. Unfortunately, learned Advocate
appearing on behalf of Mr. Bharat Sangal does not realize this fact and he is
pressing to record a statement that Respondent No.2 need not required to be
served in view of the Office Report dated 20th November, 2006.

SLP(C) No. 19767/2005 being converted into C.A. No. 3414/2006 is not listed before this Court on today and hence file was called for to verify and examine the status regarding the dispute and parties. On verification, it is found that SLP(C) No. 19767/2005 which was converted into C.A. No. 3414/2006 was preferred against order dated 11.5.2005 in Special Appeal No. 579/2005. This C.A. No. 3414/2006 was allowed by the Hon'ble Court on 14th February, 2007 and the appeal in question was sent back for fresh disposal by the High Court in accordance with law.

Thereafter present SLP is preferred against the order dated 18.5.2007 in the same Special Appeal No. 579/2005. Thus though Respondent No.2 is served in earlier SLP and though he has not filed any appearance in that SLP, it cannot be presumed that he is not concerned or not interested in the present SLP also, as argued by Mr. Abhinav Ramakrishnan.

Fresh notice in this SLP is necessary upon both the respondents. Mr. Bharat Sangal, Advocate has filed appearance on behalf of Respondent No.1 on 1.10.2007. Fresh notice is required to be served upon Respondent No.2. It has come out during the discussion that Respondent No.2 is a father of Respondent No. 1.

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ITEM NO.21

COURT NO.R-2

SECTION XI

In view of the above fact, issue fresh notice upon unserved respondent No.2 by Regd. Post A.D.

Additional notice is to be forwarded for service through Respondent No.1 through his Advocate Mr. Bharat Sangal.

Respondent No.1 is complaining about non receipt of the copy of pleadings, petitioner has to supply additional copy of pleadings to him as per rules.

List the matter on 7th January, 2008.

(S.G. Shah)
Registrar

MG