

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

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).21399/2010

BHAGWAN SINGH & ANR.

Petitioner(s)

VERSUS

JAGDISH CHAND & ORS.
(With prayer for interim relief)

Respondent(s)

Date: 26/07/2011 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Bhakti Vardhan Singh, Adv.
Dr. Kailash Chand,Adv.

For Respondent(s)

Mr. Goodwill Indeevar,Adv.

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

It seems that though there is a specific order on 13.5.2011 directing the petitioner to furnish the fresh particulars of the respondent No.3(d), by letter dated 18.5.2011, learned counsel for the petitioner has disclosed the same address of such respondent which is already disclosed in the cause title and where notice by registered post could not be served.

Item No.76

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It is on record that the earlier notice on such address is returned back with the endorsement that "address is not correct". Therefore, there is no sense in sending the notice at the same address. The record shows that even the second notice is also returned back with the same endorsement on 10.6.2011.

Issue fresh notice upon the unserved respondent No.3(d).

Dasti, in addition, is allowed which is permitted to be served at better and correct address in that case, such address is to be disclosed on record with proof of service.

It is to recollected that the petitioner is also residing in the same village. Therefore, he must be aware about the whereabouts of the unserved respondent. In fact by an order dated 24.11.2011, dasti notice was already allowed. Nobody was remaining present for the petitioner on different dates. However, in view of order dated 13.5.2011, petitioner has failed to pay process fee and Registry has sent notice by dasti mode thereby the fact remains that the petitioner has failed to comply with the order dated 24.11.2010.

In view of such fact, if petitioner fails to comply with such order by payment of process fee and by supplying Item No.76 -3-

additional copies before 6.8.2011, if not done, list before the Hon'ble Judge in Chambers for non-prosecution.

If it is done, issue notice with additional dasti notice.

List again on 27.9.2011.

(S.G. SHAH)
REGISTRAR

rd