

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Crl) No(s).4321/2007

M.D. JAIN

Petitioner(s)

VERSUS

BHAGYAVATHI &amp; ORS.

Respondent(s)

(With appln(s) for stay and office report )

Date: 29/08/2008 This Petition was called on for hearing today.

For Petitioner(s) M/S. Ap & J Chambers,Adv.  
Mr. Tapesh Kumar Singh ,Adv.For Respondent(s) Mr. Sanjay R. Hegde,Adv.  
Mr. R.P. Wadhvani ,AdvUPON hearing counsel the Court made the following  
ORDER

Learned Advocate Mr. Tapesh Kumar Singh appearing on behalf of M/S. Ap & J Chambers, Advocates for the petitioner submits that there are several lapses of the Registry in issuance of notice to the unserved respondent and in preparing Office Report :

1. It is stated that though proof of dasti service filed on 16 th April, 2008, office has not properly recorded the proof of service in file and it is not properly disclosed in the concerned Office Report.
2. It is further stated that even after pointing out the proof of service to the Registry, Registry has not considered it as a proper service and pointed out to this Court that service is not done and thereby Court has passed an order to issue fresh notice which is to be served through the concerned Police Station.

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3. It is further stated that petitioner has provided the address of the concerned Police Station on 3rd May, 2008.
4. It is further stated that Office has not issue notice to the unserved respondent through concerned Police Station.
5. It is further stated that (by an order dated 4th August, 2008) explanation was asked for by this Court, which is not complied by the Office till date.
6. It is further stated that office has received a report from the concerned Police Station on 3rd August 2008 disclosing that they have not received any notice from the Supreme Court.
7. It is further stated that in the Office Report dated 28 th August, 2008 it is pointed out that petitioner has not filed proof of dasti service upon Respondent No.1 though it was filed on 16 th April, 2008 and ignoring the letter dated 3.8.2008 by the Police Station.

With above statements Learned Advocate for the petitioner is pressing to list this matter before the Hon'ble Court.

The issues raised by the petitioner are pertaining to service upon respondent and hence it is to be dealt with by this Court.

Office is directed to explain in writing to the undersigned within a week about all the issues referred herein above.

Office has to list this matter on 8th September, 2008 before this Court.

(S.G. Shah)  
Registrar