

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

IA 1/2008 in CIVIL APPEAL NO. 5273 OF 2008

HONGKONG & SHANGHAI BANKING CORP.LTD.

Appellant (s)

VERSUS

AWAZ & ORS.

Respondent(s)

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

IA 1/2008 in CIVIL APPEAL NO. 5278 OF 2008

IA 1/2008 in CIVIL APPEAL NO. 5294 OF 2008

IA 1/2008 in CIVIL APPEAL NO. 5627 OF 2008

(With appln. for Stay)

Date: 22/10/2008 This Appeal was called on for hearing today.

For Appellant(s) Mr. Arun Kumar Beriwal,Adv.

Mr. Ateev Mathur,Adv.

Mr. R.S. Suri,Adv.

Ms. Mallika Joshi,Adv.

Mr. Rajan Narain,Adv.

Mr. K.S. Prasad,Adv.

For Respondent(s) Mrs Shiel Sethi,Adv.

Mr. H.S. Parihar ,Adv.

Mr. Kuldeep Parihar,Adv.

Mr. R.S. Suri ,Adv.

Mrs Sheil Mohini Sethi,Adv.

For Intervenor

Ms. Swigin George,Adv.

UPON hearing counsel the Court made the following  
ORDER

Learned Advocate Ms. Mallika Joshi appearing on behalf of Mr. Rajan Narain,Advocate state that they are unable to accept notice for unserved Respondent No. 3 (American Express Bank Ltd.). Learned Advocate states that they are not appearing  
..2/-

for the said Bank, but they are appearing only for American Express Banking Corporation. Learned Advocate for other respondent has pointed out that initially American Express Bank Ltd. is litigant before the Commission; whose credit card operation is now with American Express Banking Corporation and therefore, practically in place of American Express Bank Ltd., now American Express Banking Corporation is the necessary party.

It is clear from the record that originally American Express Bank Ltd. was joined as a party American Banking Corporation was not appeared as a party respondent before the Consumer Commission, at present instead of American Express Bank Ltd.; American Express Banking Corporation has preferred an appeal against such order which is Civil Appeal No. 5627/2008.

In view of above facts, notice to unserved Respondent No.3 (American Express Bank Ltd.) is permitted to be served through the American Express Banking Corporation Ltd. Additional notice to American Express Bank Ltd. is permitted to be served through the American Express Banking Corporation at its Delhi Office. Additional notice be forwarded through the District Court Patiala House, New Delhi with a specific direction to the Service Officer to affix the notice at the reported addresses of such Company, if it could not be served in due course.

Additional notice through Civil Court District Court, Gurgaon, with a specific direction to the Service Officer to affix the notices at the reported addresses of such Company, if it could not be served in due course.

Learned Advocate Mr. Ateev Mathur appearing on behalf of Mr. Arun Kumar Beriwal, Advocate accept notice for the Standard and Chartered Bank in Civil Appeal No. 5278/2008.

Additional notice be issued and forwarded within a week, without fail.  
..3/-

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ITEM NO.1 COURT NO.R-2 SECTION XVII

List the matter on 14th November, 2008.

Served respondent may file Counter Affidavit till then.

Learned Advocate who have filed Counter Affidavit are requested to supply the copy of Counter Affidavit/reply, if any to all the Advocates on Record.

(S.G. Shah)  
Registrar

MG