

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 M.A. SAYEED

Petition(s) for Special Leave to Appeal (Crl) No(s).7138/2012

USHA GUPTA

Petitioner(s)

VERSUS

STATE OF U.P.& ANR.

Respondent(s)

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

Date: 04/02/2013 This Petition was called on for hearing today.

For Petitioner(s)

Mr. P.K. Dey, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

For Respondent(s)

Mr. Mukesh Verma, Adv.

Mr. M.R. Shamshad, Adv.

Mr. Anil Kumar Gupta-Ii, Adv

UPON hearing counsel the Court made the following

O R D E R

In this matter on 23.11.2012, this Court was pleased to pass the following order :-

"There seems to be ambiguity in respect of the name of respondent No.2, for which an objection on record has been placed by the Registry and clarification note in this regard has also been placed on record by respondent No.2, who is contesting in person. He is directed to file necessary application for the rectification on record so as to facilitate this Court to pass further necessary orders in this regard. His counter affidavit is already filed on record, copy of which has been received by the learned counsel for the petitioner.

List again on 2.1.2013."

Item No.22

-2-

It is pertinent to note that thereafter on 2.1.2013, the Court was pleased to pass the following order :-

"The learned counsel for the petitioner is directed to comply with the order passed by this Court on 23.11.2012, whereby he was asked to carry out the necessary correction/clarification in respect of the ambiguity in the name of respondent No.2.

In the meanwhile, respondent No.1 to file counter affidavit on record.

List again on 4.2.2013."

In fact, the ambiguity, as pointed out by respondent No.2 in respect of his name to be rectified by him.

It is pertinent to note that he is appearing in person. Till date, no compliance has been made by him.

The learned counsel for the petitioner has, however, invited my attention to the copy of the cause title of the petition before the High Court of Judicature at Allahabad wherein his name is shown as respondent No.2 - Vijay Khaitan.

Now, the copy of the order of the High Court is enclosed alongwith

communication from the learned counsel for the petitioner, wherein this aspect has been highlighted. The necessary proof has been filed on 21.1.2013. Today also, respondent No.2 in person has failed to appear. Relying on the documents filed on record by the learned counsel for the petitioner, the objection as regards the ambiguity in the name
Item No.22
-3-

stands rectified and the petitioner would continue in the same name, as shown in the record of the High Court.

Four weeks' time is granted to the learned counsel for respondent No.1 - State for filing counter affidavit.

List again on 7.3.2013.

(M.A. SAYEED)
REGISTRAR

rd