

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

TRANSFER PETITION (CIVIL.) NO(s). 889 OF 2009

AVINASH GAUR Petitioner(s)

VERSUS

M/S LUNAR DIAMONDS LTD. Respondent(s)
(With appln(s) for stay and office report)

Date: 18/07/2011 This Petition was called on for hearing today.

For Petitioner(s)
Mr. Sunil Kumar Verma, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Issue fresh notice.

Dasti service is allowed on unserved respondents. It is permitted to be served through the nearest Civil Court/Trial Court.

Trial Court is directed to confirm the service even by affixing the notice at the given address if it could not be served in due course.

It is unfortunate that though there is an interim order in favour of the petitioner since September, 2009 wherein further proceedings in ID. No. 488 of 1994 pending in the court of Ms. Nisha Saxena, POLC/FTC-XXI, Karkardooma Courts, Delhi is stayed, petitioner has failed to confirm service through such court. When any litigation is pending in Trial Court and more particularly when such litigation is stayed, it will be very easy to confirm

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service upon such litigant who is present before such Trial Court as Petitioner / applicant / complainant. Probably because there is an interm order since September 2009, petitioner is not interested to serve the respondent. Even after specific observation repeatedly in different cases, unfortunately petitioners before Supreme Court are filing an affidavit that while they have tried to serve the dasti, respondent has refused the dasti notice. It is unfortunate that in such cases they do not follow the procedure prescribed in the CPC to serve the notice through nearest Civil Court or Local Public Authority by affixing the same in given address in presence of two witnesses.

Process fee and spare copies be paid before 30th July, 2011, if not paid before 30th July, 2011, list the matter before Hon'ble Judge in Chambers for non-prosecution.

If paid, issue notice which is permitted to be served through nearest Trial Court as per above order and list again on 30th September, 2011.

(S.G. Shah)
Registrar

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