

SECTION XVI

LISTED ON: 19.09.2016

COURT NO.: R-2

ITEM NO. : 11

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 26913 of 2012

(With prayer for interim-relief)

MUKESH KUMAR SINGH & ORS. ...Petitioner(s)

Versus

PRADEEP KUMAR SINGH & ORS. ...Respondent(s)

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 3.09.2012 when the court was pleased to pass the following order:-

"Delay condoned.

Issue notice returnable in ten weeks.

Dasti, in addition to the ordinary process, is permitted."

Accordingly show-cause notice returnable was issued to all 36 respondents by registered AD post as well as dasti. Mr. Kunal Verma, advocate has filed Vakalatnama on behalf of respondent Nos. 1 and 2 as Mr. M.P Jha, earlier Counsel for the respondent has dead. AD card duly signed have been received back from respondent Nos. 4, 6, 8 to 10, 15-16, 21-24, 26-27, 29 to 36 but no one has entered appearance, so far and unserved cover containing notice in respect of respondent No.19 has been received back with remarks "Refused to accept". The name of respondent Nos. 3, 5, 7, 11 to 14, 17, 18 and 28 have been deleted from the array of parties in view of Hon'ble Judge-in-chamber's order dated 24.11.2014.

Service of respondent Nos. 20 and 25 are incomplete.

The matter above-mentioned was listed before the Ld. Registrar's court on 31.07.2015 when he was pleased to pass the following order:

"The office report is that the ld. counsel for the petitioner has filed an application for substitution to bring on record the Lrs. of the deceased respondent Nos. 20 and 25 which is defective. Ld. Counsel has not cured the defects in spite of two opportunities granted. Viewed thus, the matter shall be processed for listing before the Hon'ble judge-in-chambers for further directions. Await orders and list thereafter."

And the matter was listed before the Hon'ble Judge-in-chamber on 29.8.2016 when HIS LORDSHIP was pleased to pass the following order:

"Delay condoned in filing application for recalling the order dated 08.10.2015. Order dated 8.10.2015 is recalled.

The special leave petition is restored qua respondent Nos. 20 and 25.

As prayed, the name of respondent No.20 is deleted from the array of parties at the risk of the petitioners.

Delay condoned in filing the substitution application. Abatement is set aside. The application for substitution to bring the legal representatives of deceased respondent No.25 on record is allowed."

Accordingly the SLP is restored qua respondent Nos. 20 and 25. The name of respondent No.20 is deleted and the sole lr. Of deceased respondent No.25 has been taken on record vide Hon'ble Judge-in-chamber order dated 29.8.2016. Cause Title has been amended and included in paper-book.

It is submitted that counsel for the petitioner has not taken any steps to effect service on sole legal heir of deceased respondent No.25.

Service of notice is complete on all the respondents except sole lr. Of deceased No.25.

The matter is listed before the Ld. Registrar's Court with this office report.

Dated this the 16th day of September, 2016.

ASSISTANT REGISTRAR

Copy to: Mr. T. Mahipal, Advocate

Mr. Kunal Verma, Advocate

ASSISTANT REGISTRAR