

LISTING ON 08.09.2015

COURT NO. 2

ITEM NO. 9

SEC.IV-A

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 25985 OF 2014
WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO. 1

(Application for condonation of delay in filing SLP)

AND

INTERLOCUTORY APPLICATION NO. 2

(Application for exemption from filing O.T.)

Satyanarain Bairgi & Ors.

...Petitioners

-Versus-

State of M.P. & Ors.

...Respondents

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 08.09.2014 with an office report dated 05.09.2014, when the Court was pleased to pass the following order:

"Heard.

Issue notice in the application for condonation of delay as also in the special leave petition.

Recovery of the amount prusuant to the impugned order shall remain stayed, pending further orders from this Court."

Accordingly, show cause notice was issued to all the (four) respondents on 13.10.2014 by Regd. A.D. post Mr. Mishra Saurabh, Advocate has filed vakalat/appearance and counter affidavit on behalf of respondent nos. 1-3 but the counter affidavit is defective as no annexure has been enclosed as per para 2 of affidavit, in support of counter. Neither A.D. card nor unserved cover containing the notice has been received back in respect of respondent no. 4, so far.

Service of show cause notice on respondent no. 4 is not complete.

Pursuant to the Ld. Registrar Order dated 11.02.2015, dasti show cause notice to respondent no. 4 was issued on 20.03.2015. Counsel for the petitioners has not filed affidavit with proof of dasti notice in respect of respondent no. 4.

It is submitted that Mr. Mishra Saurabh, counsel for respondent nos. 1-3 has filed fresh affidavit in support of counter affidavit without serving its copy upon counsel for the petitioner.

Thereafter, the matter above mentioned was lastly listed before the Ld. Registrar on 26.03.2015 with an office report dated 25.03.2015, when he was pleased to pass the following order:

"Fresh affidavit in support of counter affidavit has been filed by respondent Nos.1 to 3. Be served on the other side as well.

Proof of dasti service with respect to respondent No.4 has not been filed. The Ld. Counsel has mentioned that the same has been filed on 24.3.2015. Registry to verify the same. However, none is present as on date for respondent No.4.

Since thereafter the matter shall fall in the complete category, Registry to process to list the same before the Hon'ble Court, as per rules."

It is further submitted that counsel for the respondent nos. 1-3 has not filed proof of service after serving copy of counter affidavit upon counsel for the petitioner. As the matter is on board, copy of the same has been included in the paper books.

It is further submitted that Mr. Ravindra S. Garia, Advocate for the petitioners has filed affidavit with proof (tracking report) in respect of respondent no. 4, but no one has entered appearance on his behalf.

Service of show cause notice in respect of all the respondents is complete.

In view of the above quoted order, the matter above mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 7th day of September, 2015.

ASSISTANT REGISTRAR

Copy to: Mr.Ravindra S Garia, Advocate
Mr. Mishra Saurabh, Advocate

ASSISTANT REGISTRAR