

REGISTRAR COURT NO. 2

LISTED ON : 23.09.2014

ITEM NO. :

SECTION XIIA
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NOS. 35911-35913 OF 2011.

WITH
PRAYER FOR INTERIM RELIEF

RAMESH KUAMR JAIN

...PETITIONER

-VERSUS-

GHANSYAMDAS RATHI AND ANR.

...RESPONDENTS

OFFICE REPORT

The matters above-mentioned were listed before the Ld. Registrar Court on 21st July, 2014, when he was pleased to pass the following Order:

“Office report indicates that Lrs. Nos. 1, 2 and 4 of deceased respondent No. 2 have not been served. However, learned counsel for the petitioner submits that they are avoiding the service. Let notice be sent through District Court besides other postal means. Petitioner is directed to furnish the correct address of the District court concerned on which notice be sent. If steps are taken, issue notice directly to the Court concerned. Await service report.

Dasti service in addition is permitted.

Proof of dasti service be also filed. List on 21.7.2014.”

It is submitted that Mr. Bijoy Kumar Jain, counsel for the Petitioners has filed address of concerned District Court and fresh show cause notice to unserved Lr. Nos. 1, 2 and 4 of deceased Respondent No. 2 was issued on 7th August, 2014. Neither A.D. Card nor unserved registered cover has been received back from the Respondents so far.

It is further submitted that Superintendent District Court Akola has forwarded report of Bailiff in respect of service of notice to Lr. No. 2 of deceased Respondent No. 2 which shows service is complete.

It is also submitted that notice alongwith dasti letter was also handed over to the counsel for the Petitioner and counsel has on 19th September, 2014 filed affidavit of service stating therein that Lr. No. 1 has refused to accept the notice and Lr. No. 4 has though received the notice but refused to acknowledge the same.

It is further submitted that there are two Respondents in the matters. Respondent No.2 has died and Lr. Nos. 2(a) to 2(e) was been taken on record vide Court's order dated 23rd July, 2013 of the Hon'ble Court. Mr. Anil Kumar Tandale, counsel for the Respondent No. 1 has not filed counter affidavit. Dr. Kailash Chand, Advocate has entered appearance on behalf of Lr. Nos. 3 and 5 of deceased Respondent No. 2 and also filed affidavit on their behalf.

The aforesaid matters are listed before the Ld. Registrar Court with this Office Report.

Dated this, the 22nd day of September, 2014.

DEPUTY REGISTRAR

Copy to:

1. Ms. Anu Gupta, Advocate
2. Mr. Anil Kumar Tandale, Advocate.
3. Mr. Bijoy Kumar Jain, Advocate.

DEPUTY REGISTRAR