

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4712 OF 2007

BEFORE THE REGISTRAR S.G. SHAH

MOHAMMAD HAFIZULLAH & ORS.

Appellant (s)

VERSUS

JAVED AKHTAR & ORS.

Respondent(s)

(With appln(s) for early hearing and office report)

Date: 21/07/2011

This Appeal was called on for hearing today.

For Appellant(s)

Mr. Chiraranjan Addey,Adv.

For Respondent(s)

Mr. Goodwill Indeevar,Adv.

UPON hearing counsel the Court made the following
O R D E R

Even after Registry's letter dated 30.5.2011, petitioner has failed to cure the defects in their application for substituted service which is filed on 12.11.2010 i.e. before eight months.

It is surprising to note that the Advocates are repeatedly filing such application without disclosing the name of the newspaper where public notice is to be issued, though it is necessary as per rules. The fact remains that order to

issue notice is dated 28.9.2007 with interim order in favour

of the petitioner. There is an order to expedite the hearing

Item No.146

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on 24.9.2010.

The matter is pending for confirming service

only upon one respondent. If petitioner fails to take

appropriate steps for confirming service upon the unserved

respondent No.3 either by disclosing the name of the

newspapers or by trying to serve dasti notice through the

nearest civil court or trial court, where petitioner is

permitted to serve the notice even by affixing the same either

at the given address or on the disputed property,

if unserved

respondent is in possession of such property on or before
6.8.2010, list before the Hon'ble Judge in Chambers for non-
prosecution.

It seems that in original suit the present
appellants were co-defendant with present respondent No.3
whereas respondent Nos.1 and 2 were original plaintiff.
Therefore, probably the interest of unserved respondent No.3
is with the present petitioner. This may be one of the reason
for delaying the matter by not confirming service for more
than two years.

If proper steps are not taken before 6.8.2011, list
before the Hon'ble Judge in Chambers for non-prosecution.

(S.G. SHAH)
REGISTRAR

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