

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

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Cr1) No(s).1655/2010

STATE OF A.P.

Petitioner(s)

VERSUS

K.GOPALAN & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP,c/delay in refiling SLP,exemption from filing c/c of the impugned order)

Date: 13/03/2012 This Petition was called on for hearing today.

For Petitioner(s)

Mrs.D. Bharathi Reddy,Adv.

For Respondent(s)

Mr Bhagabati Prasad , Adv.
Mr. Rameshwar Prasad Goyal,Adv.
Ms Gunwant Dara, ADV.
Ms. Sushma Suri ,Adv

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

Order to issue notice is dated 11.2.2010. By order dated 22.4.2010 it was confirmed that respondent No.1 is not served and petitioner was directed to take appropriate steps to confirm service. By order dated 29.7.2010 dasti was allowed to be served through the nearest Civil Court/Trial Court and also at better and correct address with a direction that such address is to be disclosed on record. In absence of action being taken by the petitioner, same order was again passed on 14.9.2010. Time was again granted on 28.10.2010 to file proof of service. By order dated 17.3.2011 it was directed that if petitioner fails to file proof of service, matter shall be listed for non-prosecution

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as against such unserved respondent. Accordingly, matter was

listed before the Hon'ble Judge in Chambers on 22.7.2011

when the Hon'ble Chamber Judge has directed that if petitioner takes steps within 8 weeks, then delay in

compliance shall be treated as condoned whereas in default SLP shall stand dismissed as against respondent no.1.

The ld. Advocate for the petitioner says that they have disclosed fresh address of respondent no.1 on record. However, there is no filing memo for such disclosure. A letter without date and without confirmation that when it is filed on record is though found on record, the fact remains that petitioner has failed to confirm service on respondent no.1 as per order dated 29.7.2010 read with order dated 22.7.2011. More than two years has lapsed. Petitioner has failed to confirm service upon respondent No.1. Therefore, in view of order dated 22.7.2011, matter stands dismissed as against respondent No.1. However, registry has to take appropriate steps to comply with order dated 22.7.2011 as per rules.

Sufficient time has been granted to other respondents to file counter affidavit, hence no further time can be granted on the same count by this Court.

Matter shall be listed before the Hon'ble Court after compliance of above order.
(S.G.SHAH)
REGISTRAR

hj