

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).7801/2011

JEEWAN BALA

Petitioner(s)

VERSUS

OMTYAGI & ORS. Respondent(s)  
(With appln(s) for exemption from filing O.T.,issuance of non-bailable war. of arrest,permission to file additional documents and office report)

Date: 10/04/2012 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Rakesh Taneja, Adv.  
Mr.T.V.George,Adv.

For Respondent(s)

Mr. Ashok Kumar Sharma,Adv.  
Mr. Rahul Verma, Adv.  
Mr. Saurabh Trivedi ,Adv

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

The learned Advocate, Mr. Rahul Verma, appearing on behalf of Mr. Saurabh Trivedi, Advocate-on-Record for respondent No.6 - State of Uttarakhand states that they have not received the copies of the pleadings. On enquiry, he has confirmed that they have received the intimation to appear in this matter through the Legal Department of the concerned State. Thereby it is clear and confirmed that notice has been served to the concerned department of the Government with full

Item No.30 -2-  
set of pleadings. Though served respondent is entitled to get

one additional set of pleadings from the petitioner, if the concerned respondent never conveyed the petitioner or his Advocate and never demands additional copies of the pleading, petitioner may not have a dream and about such appearance and demand for additional copy and hence, there cannot be action on behalf of the petitioner to provide additional copies.

This is repeatedly conveyed to the Bar.

This is nothing but

an attempt to get more time to file counter affidavit or to

delay the judicial process. If respondent wants any additional copies, initially it is their duty to convey it to the other side and if petitioner fails to provide additional copies even after demand, such fact is to be proved on record so as to take necessary steps against the petitioner including, non-prosecution of the matter.

The learned Advocate, appearing on behalf of Mr.T.V.George, Advocate-on-Record for the petitioner states that they have filed proof of service for respondent Nos.4 and

5. Though original proof of service is not on record since it is filed on 9.4.2012 only, the copy with the Advocate confirms that there is disclosure on oath by the petitioner that respondent Nos.4 and 5 have refused to accept notice. On repeated enquiry that whether this is a proper proof of

Item No.30 service, learned counsel for the petitioner is unable to confirm the same. The fact is clear that refusal of dasti

notice before the litigation cannot be treated as proper proof of service. A detailed order is already passed in SLP(C) No.24765/2004 on 16.3.2007, which is nothing but discloser of the provision of Code of Civil Procedure.

In view of such statement, if petitioner fails to file proper proof of service on respondent Nos.4 and 5 on or before 7.5.2012, the matter shall be listed before the Hon'ble Judge in Chambers for non-prosecution against unserved respondents.

So far as respondent No.2 is concerned, it is the statement of the learned counsel for the petitioner that there is change in the status of respondent No.2 and probably respondent No.2 is no more. If it is so, petitioner has to take appropriate steps for respondent No.2.

If appropriate steps are not taken before 7.5.2012, the matter shall be listed before the Hon'ble Judge in Chambers for non-prosecution against respondent No.2 also.

(S.G. SHAH)  
REGISTRAR

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