

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 (Civil) No(s).4682/2012

PRAMOD KUMAR

Petitioner(s)

VERSUS

KISAN COOPERATIVE SUGAR FACTORY LTD.&ORS

Respondent(s)

WITH  
SLP(C) NO. 8803 of 2012  
(With office report)  
SLP(C) NO. 9236 of 2012  
(With office report)

Date: 18/04/2012 This Petition was called on for hearing today.

For Petitioner(s) Mr. Dinesh Kumar Garg,Adv.

For Respondent(s) Mr Siddharth Mittal, Adv.  
Mr. S.K. Sabharwal,Adv.  
Mr Saurabh Singhal, Adv.  
Mr. Saurabh Ajay Gupta ,Adv

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

The ld. Advocate for the petitioner states that they would prefer to file an application to delete unserved respondent Nos. 3 to 5, they being proforma respondents.

List the matter before the Hon'ble Judge in Chambers after 11.5.2012 either for adjudication of such

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application, if any filed till then, or for non-prosecution against such unserved respondents.

The ld. Advocate for the petitioner has pointed out

that respondent No.2 is common in all the SLPs and at

least in SLP(C) No. 4682/2012, respondent No.2 is appearing through the ld. Counsel, Mr S.K.Sabharwal.

On the request by the ld. Counsel for the petitioner to serve notice through such Advocate for remaining two SLPs, the ld. Advocate, Mr Siddharth Mittal appearing on behalf of Mr S.K.Sabharwal, Advocate-on-record says that he has no instructions to accept notice for Mr. Mahendra Pal in connected SLP and therefore he is unable to accept notice.

Since Mr Mahendra Pal is very well before this Court in SLP(C) No. 4682/2012, he is directed through his Advocate to accept notice in the connected SLP.

After dictating the above para, the ld. Advocate for the respondent No.2 states that short date may be given to him to seek instructions from his client to do the needful. In any case, it is the duty of the ld. Advocate appearing for a particular person to convey his client that other petitions are pending before this Court and in that case his client may either engage him or other Advocate, but no one is permitted to hide and seek from the judicial process.

Whereas the ld. Advocate appearing for respondent no.1- Kisan Cooperative Sugar Factory Ltd. in SLP(C) No. 4682/2012 accepts notice for the same litigant in

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SLP(C) No. 8803/2012 and SLP(C) No. 9236/2012 and seeks time to file vakalatnama and counter affidavit.

Respondent No.2 in SLP(C) No. 4682/2012 has to disclose his intention to accept notice in connected SLP before 11.5.2012. If he fails to accept notice, such fact shall be communicated to the Hon'ble Court whenever matter is listed by proper office report.

However, in that case, petitioner is permitted to

confirm service by the process server of the local Court  
which is specifically directed to serve notice even by  
affixing the same at the given address if it could not be  
served in due course. For the purpose fresh notice be  
issued after 11.5.2012 (even in vacation) if respondent  
No.2 fails to accept notice till then.

Served respondents may file counter affidavit  
before the next date.

List again on 4.7.2012.

(S.G.SHAH)  
REGISTRAR

hj