

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).28411/2008

LAKSHMIDEVAMMA(D) BY LR. Petitioner(s)

VERSUS

T.RAJANNA & ANR. Respondent(s)

(With appln(s) for PERMISSION TO FILE ADDL. DOCUMENTS and prayer for interim relief)

Date: 26/02/2009 This Petition was called on for hearing today.

For Petitioner(s)

Mr. B. Anand, Adv.  
Mr. Raghavendra S.Srivatsa,Adv.

For Respondent(s)

Mr. B. Vishwanath Bhandarkar, Adv.  
Mr. V.N. Raghupathy,Adv.

UPON hearing counsel the Court made the following  
ORDER

It appears that respondent No.1 is appearing through caveat and by an Order dated 15-12-2008, Hon'ble court has directed to serve the notice upon unserved respondent No.2 by usual mode as well as by way of dasti. There is also a stay of further proceedings in the pending Civil Suit being OCS No.5066/2000 before the City Civil Court, Bangalore by this Hon'ble Court, by the same Order dated 15-12-2008.

Learned Advocate Mr. B. Anand appearing on behalf of Mr. R.S. Srivatsa, Advocate-on-Record for the petitioner states that respondent No.2 has refused to accept the notice and they are going to file affidavit to that affect within a day or two.

It seems that both the respondents are residing in the same house as disclosed in the Cause Title and, therefore, let there be a fresh notice which is to be served through the Civil Court Court, Bangalore with reference to OCS No. 5066/2000 with a specific direction to the Serving Officer of that Court to affix the notice at the given address, if the  
ITEM NO. 82

process server could not serve it in due course and to file proper report as provided under the Code of Civil Procedure.

Since the Original Civil Suit is pending before the said Court, the said court has to serve the notice upon unserved respondent No.2 through the concerned Advocate appearing for such litigant before such Court. If nobody is appearing for such litigant, the Process Server

has to serve the notice, as aforesaid, i.e. by affixing the same at the given address and to file

proper report as provided under the Code of Civil Procedure.

Served respondents may file counter affidavit before 14-4-2009.

List the matter on 14-4-2009.

va

(S.G.SHAH)  
Registrar