

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).2307/2008

SAHEBZADA MIR TILAWAT ALI KHAN & ANR.

Petitioner(s)

VERSUS

MOHAMMED SHAFEEQ AHMED & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents

Date: 10/02/2011 This Petition was called on for hearing today.

For Petitioner(s) Ms. Sakhsi Baga,Adv.
Mr. Ejaz Maqbool,Adv.

For Respondent(s) Mr. A.T.M. Sampath,Adv.

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

Fresh notice. Dasti service upon respondent No.3. In view of the endorsement on postal cover that "no such person", Counsel for the petitioner is directed to take care while serving such person and to disclose proper detail without fail.

Counsel for the petitioner is also directed to serve such person through the nearest Civil Court/Trial Court. That Court may serve the notice even by affixing the same at the given address,if it could not be served in due course.

It is noticed that matter is pending since 2008. Hon'ble Court has passed an order for maintaining status quo of the possession. In view of such fact and more particularly unserved respondent is appellatant before the

..2/-

Item No.8 : 2 :

Appellate Court and when the address is same, it would be easy to confirm service upon such unserved respondents. Civil Procedure Code specifically provided for affixing the notice at the given address, if it could not be served in due course and in case of dispute relating to possession of property, notice can be served by affixing the same on such property also.

Petitioner has to be careful and serve the unserved respondents at the earliest without fail by selecting appropriate mode as provided under the Civil Procedure Code.

It is also seen that respondent Nos. 1 and 2 have appeared through Mr. A.T.M. Sampath, advocate in that case, considering the fact that all the respondents were co-appellants respondent Nos. 1 and 2 have to disclose address of respondent No.3.

The address disclosed by the petitioner by letter dated 28.9.20110 seems to be improper in view of the postal remarks "no such person".

It is mentioned in the affidavit filed by the petitioner that respondent No. 3 is residing in the same address and refused to accept notice. In view of such

fact, it would be easy for the petitioner to affix the notice on such address where respondent No. 3 has refused to accept. Counsel for the petitioner is directed to take steps for serving notice before 18.3.2011.

List the matter on 18.3.2011.

(S.G. SHAH)
Registrar