

SECTION - XII

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

**PETITIONS FOR SPECIAL LEAVE TO APPEAL (C) Nos. 15012 of
2008 AND 7362-7363 OF 2009**

WITH
PRAYER FOR INTERIM RELIEF

State of Tamil Nadu & Ors. Etc. ...Petitioners
-Versus-
Jayalakshmi & Ors. ...Respondents

OFFICE REPORT

SPECIAL LEAVE PETITION (CIVIL) NO. 15012 OF 2009

The matter above mentioned was listed before the Hon'ble Court on 8th April, 2011, when the Hon'ble Court was pleased to pass the following order:-

"Issue notice in SLP (C)
No.15012/2008.

Ms. Jyoti Mendiratta, advocate accepts notice on behalf of respondent No.1 and Ms. Malini Poduval takes notice for respondent No.3.

Let notice be issued to other respondents.

Post all these matters for final disposal immediately after summer vacation.

In the meanwhile, State of Tamil Nadu is permitted to file additional documents, if any."

Thereafter, the matters i.e. SLP(C) No.s 15012 of 2008 and 7362-7363 of 2009 above mentioned were lastly listed before the Hon'ble Court on 4th January, 2016, when the following order was passed:-

"As per Office Report dated 29-12-2015, service is incomplete in both the matters.

Learned Senior counsel appearing for the State of Tamil Nadu seeks two weeks' time to get instructions in the matters.

As prayed by Mr. Colin Gonsalves, learned Senior counsel appearing for Respondent No.1, liberty to file counter affidavit is granted, if necessary.

As prayed by Mr. Colin Gonsalves, tag these petitions with Special Leave Petition (Crl.) Nos.7151-52/2008.

List the Special Leave Petitions after two weeks.

In the meantime, all papers should be handed over by the learned counsel for the State to Mr. Colin Gonsalves."

It is submitted that pursuant to Court's order dated 4th January,2016 Special Leave Petition (crl.)Nos.7151-7152 of 2008 listed alongwith these SLPs.

It is submitted that there are six respondents. Respondent Nos. 4 to 6 are represented by Mr. S. Mahendran, Advocate and he has not filed counter affidavit so far.

It is also further submitted that counsel for the petitioner has on 24th August, 2015 filed spare copies of the SLP, but he has not furnished fresh particulars of the Trial Court. Hence show cause notice could not be issued to unserved respondent Nos. 1-3. Hence service is incomplete in respece of respondent nos. 1 to 3.

It is lastly submitted that respondent Nos. 1 & 3 are respondent Nos. 1 and 5 in SLP(C) Nos. 7362-7363 of 2009 and respondent No. 3 is petitioner in SLP(C) Nos. 7362-7363 of 2009. Respondent Nos. 1 & 3 is represented by Mr. Satya Mitra Garg and Ms. Malini Poduval, Advocates in SLP(C) Nos. 7362-7363 of 2009 but they have not filed separate vakalatnama/appearance in this matter.

SPECIAL LEAVE PETITION (CIVIL) NOS. 7362-7363 OF 2009
(Arising out of SLP(C)...CC Nos. 6740-6741 of 2008)

The matters above-mentioned were listed before the Hon'ble Court on 23rd March, 2009, when the Court was pleased to pass the following order:-

"Delay condoned.

Issue notice.

Tag with SLP(C) No. 15012/2008."

AND thereafter, the matters above-mentioned were listed before the Registrar's Court from time to time and lastly listed before the Registrar's Court on 28th October, 2015 when the following order was passed:-

"The learned counsel for the petitioner shall within a period of four weeks file the fresh particulars of the respondent No. 5 and he shall also take appropriate steps for the service of notice to him within the same period.

List again on 15.1.2016."

Accordingly, notice was issued on 4th April, 2009 to all the common eight respondents. M/s. Satya Mitra Garg, B. Balaji and S. Mahendran, Advocates have entered appearance on behalf of respondent NO.s 1, 2 to 4 and 6 to 8 respectively in both the Special Leave Petitions but they have not filed counter affidavit on behalf of their respective parties. Unserved registered cover containing the said notice has been received back from respondent No. 5 with postal remark "no such person." Counsel for the petitioner has not furnished fresh address of respondent no. 5 despite this Registry's request (vide this Registry's letter dated 17th September, 2015. Hence, service is incomplete in respect of respondent no. 5.

It is further submitted that in view of the order dated 4th January, 2016, Counsel for Respondent No. 1 has not filed counter affidavit till date.

It is lastly submitted that pursuant to above Court's order dated 4th January, 2016, Counsel for the State has not filed proof of service after serving all the papers to Mr. Colin Gonsalves, Learned Senior Counsel.

The matters above-mentioned are listed before the Hon'ble Court with this office report.

Dated this the 22nd day of January, 2016.

ASSISTANT REGISTRAR

Copy to: Ms. Malini Poduval, Advocate
Mr. B. Balaji, Advocate
Mr. S. Mahendran, Advocate
Mr. Satya Mitra Garg, Advocate

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ASSISTANT REGISTRAR

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2008

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State of Tamil Nadu & Ors. Etc. ...Petitioners
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Jayalakshmi & Ors. ...Respondents

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 8th April, 2011, when the Hon'ble Court was pleased to pass the following order:-

"Issue notice in SLP (C)
No.15012/2008.

Ms. Jyoti Mendiratta, advocate accepts notice on behalf of respondent No.1 and Ms. Malini Poduval takes notice for respondent No.3.

Let notice be issued to other respondents.

Post all these matters for final disposal immediately after summer vacation.

In the meanwhile, State of Tamil Nadu is permitted to file additional documents, if any."

Thereafter, the matter above mentioned was listed before the Registrar Court on 30th July, 2015, when the following order was passed:-

"Counter affidavit on behalf of respondent Nos. 4 to 6 has yet not been filed despite two opportunities granted earlier.

Despite two opportunities already granted to the learned counsel for the petitioners to take fresh steps for providing spare copies of special leave petition and to furnish particulars of Trial Court for effecting service on respondent Nos. 1 to 3, no steps have yet been taken by him. List the matter before the Hon'ble Judge in-Chambers for further order. Await order.

List thereafter."

It is submitted that there are six respondents. Respondent Nos. 4 to 6 are represented by Mr. S. Mahendran, Advocate and he has not filed counter affidavit so far.

It is further submitted that counsel for the petitioner has not taken appropriate step to complete service on unserved respondent Nos. 1 to 3. Hence, office report on default of the counsel for the petitioner is reported to the Hon'ble Judge-in-Chamber with this office report.

Dated this the 7th day of September, 2015.

ASSISTANT REGISTRAR

Copy to: Mr. B. Balaji, Advocate
Mr. S. Mahendran, Advocate

ASSISTANT REGISTRAR

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State of Tamil Nadu & Ors. Etc. ...Petitioners

-Versus-

Jayalakshmi & Ors. ...Respondents

OFFICE REPORT

The matter above mentioned was listed before the
Ld. Registrar Court on 2nd February, 2015, when the
following order was passed:-

"SLP(C) No. 15012/2008

**Fresh steps for the service of notice
by usual mode to the unserved respondent Nos.
1 to 3 shall be taken by the learned counsel
for the petitioners within a period of three
weeks. Dasti in addition is permitted to be
served. Dasti in addition is permitted to be
served through the Trial Court the
particulars of which shall be furnished by
the learned counsel for the petitioners
within the period prescribed above.**

List again on 9.4.2015."

It is submitted that in view of above order,
counsel for the petitioner has not filed process fee and
spare copy of Special Leave Petition and not furnished
Trial Court particulars till date. Hence, show cause
notice could not issued to on service respondent Nos.
1-3.

It is further submitted that there are six
respondents. Respondent Nos. 4-6 are represented by Mr.
S. Mahendran, Advocate but he has not filed counter
affidavit till date.

Service of notice is not complete on Respondent
Nos. 1 to 3.

Dated this the 7th day of April, 2015.

ASSISTANT REGISTRAR

Copy to: Mr. B. Balaji, Advocate
Ms. Jyoti Mendiratta, Advocate
Ms. Malini Poduval, Advocate
Mr. S. Mahendran, Advocate

ASSISTANT REGISTRAR

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