

SECTION - XII

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

**PETITIONS FOR SPECIAL LEAVE TO APPEAL (C) Nos. 15012 of
2008 AND 7362 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 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 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 respect of respondent nos. 1 to 3.

It is also 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.

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

Dated this the 29th day of December, 2015.

ASSISTANT REGISTRAR

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

...2/-

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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