

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).29997/2008

STATE OF U.P.

Petitioner(s)

VERSUS

DHEER SINGH

Respondent(s)

Date: 02/11/2011

This Petition was called on for hearing today.

For Petitioner(s)

Mr. Gunnam Venkateswara Rao,Adv.

For Respondent(s)

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

The ld. Advocate, Mr Vishal Mittal appearing on behalf of Mr Niraj Gupta, Advocate-on-record alone is present. However, the fact remains that there is status quo in favour of the petitioner since December, 2008. Matter was adjourned repeatedly thereafter for confirmation of service. At given point of time, petitioner has repeatedly failed to file process fee in time. Therefore, matter was listed before the Hon'ble Judge in Chambers on 30.11.2009 when one weeks' time was granted. Thereafter also in September, 2010 again fresh

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notice was issued but, in compliance of order to pay process fee and spare copies, matter was again listed before the

Hon'ble Judge in Chambers on 25.11.2010. On that day again two weeks' time was finally granted by the Chamber Court for compliance of the office report. However, petitioner has failed to take steps till date to confirm service. The record shows that the ld. Advocate, Mr Niraj Gupta has on 12.1.2011 filed an application for appropriate directions claiming that applicant in such application are legal heirs of original sole respondent. This application is also not proper in as much as it is not supported by the Death Certificate. While dictating such facts, the ld. Advocate appearing for Mr Niraj Gupta says that they have filed copy of the Death Certificate. Now when asked that whether such information is disclosed in their application, the ld. Advocate confirms that there is no such disclosure in his application. The uncertified photocopy of the Death Certificate is annexed in the file after defects being stated on the file which cannot be taken as such without supporting affidavit and without proper endorsement that it is true copy of original Death Certificate.

It is very difficult and disturbing to note that Advocate is relying upon an uncertified photocopy which is not properly filed on record.

The fact also remains that if present applicant are desired to join them as legal heirs they themselves can apply

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for the same instead of asking for appropriate direction against the petitioner to substitute their name as such,.

In view of the above fact, list before the Hon'ble Judge in Chambers either for adjudicating of such application or for non-prosecution in view of non-action by the petitioner.

After passing such order, Mr Upendra Mishra the ld. Counsel for the petitioner appeared and requested to mark his

appearance.

( S . G . SHAH )  
REGISTRAR

hj