

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

TRANSFER PETITION (CIVIL.) NO(s). 1230 OF 2009

FOUZIYA SIDDIQUI KHAN Petitioner(s)

VERSUS

SIDDIQUI SULEMAN MOHAMMAD KHAN Respondent(s)  
(With appln(s) for stay and office report)

Date: 14/07/2010 This Petition was called on for hearing today.

For Petitioner(s)

- Mr. Devadatt Kamat, Adv.
- Mr. M. Lonkar, Adv.
- Mr. Biyank Telang, Adv.
- Mr. Rauf Rahim, Adv.

For Respondent(s)

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

Registry to intimate the Trial Court inform this court that, what steps are taken in view of the statement in its letter dated 28.4.2010, that at present said respondent is not residing at the given address.

The present transfer petition is filed to transfer the Civil Suit No.285/2009 pending before such trial court being Civil Judge, Junior Division Bench at Karad, District Satara wherein Hon'ble Court has on 4.12.2009 while issuing notice stayed further proceedings of this suit.

Item No.32 -2-

If respondent before this court, who is plaintiff before such civil court is not available at his address which is disclosed in his plaint, then civil court should have taken appropriate steps, as provided in the code of civil procedure, which permits that court to dismiss the suit for want of proper address or at least civil court should have served the notice even by affixing the same at given address through Process Server and to file appropriate report, as provided under the Code of Civil Procedure. The civil court should

also have served the notice through the Advocate appearing  
before it for such litigation in such pending litigation  
before it.

Fresh notice be forwarded to the Trial Court for  
serving upon the unserved respondent or to take appropriate  
steps, as aforesaid.

List again on 1.9.2010.

(S.G. SHAH)  
Registrar

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