

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

SECTION – XVIA
LISTED ON : 28-03-2017
COURT NO : 6
ITEM No. : 4

TRANSFER PETITION (CIVIL) NO. 576 OF 2016
WITH
INTERLOCUTORY APPLICATION NO. 1 OF 2016
(Application for ex-parte Stay)

RAJNI BALA

.....Petitioner

VERSUS

SUMIT GULATI & ANR.

.....Respondents

OFFICE REPORT

The Transfer Petition above mentioned was listed before the Hon'ble Court on 13-04-2016, when the Court was pleased to pass the following Order:-

" Issue notice.

In the meanwhile, there shall be stay of further proceedings in HMA No.DMC/138/2016 titled as "Sumit Gulati vs Ms. Rajni Bala & Anr" pending before the Additional District & Sessions Judge, Jalandhar, Punjab."

Accordingly, notice was issued to the both respondents through Regd. A.D. Post on 28-04-2016.

It is submitted that neither A.D. Card nor unserved cover containing the said notice has been received back from respondent No. 1.

It is further submitted that Mr. Naresh Kumar, Advocate has on 30-08-2016 filed vakalatnama and Memo of appearance alongwith Counter Affidavit on behalf of Respondent NO. 2. Copy of the Counter Affidavit has been included in the paper books.

Thereafter, the Transfer Petition above mentioned was listed before the Ld. Registrar's Court on 08-12-2016 , when he was pleased to pass the following Order:-

"Last opportunity is granted to learned counsel for the petitioner to take fresh steps for service of notice on respondent no. 1 within two weeks' time and notice thereafter be issued.

Dasti, in addition, is also allowed.

Respondent no. 2 has already filed counter affidavit.

List again on 27.01.2017."

Accordingly, Fresh Notice was issued to the Respondent No. 1 through Registered A.D. post on 23-12-2016 as well as dasti on 21-12-2016.

It is submitted that notice has not been delivered to the Respondent NO. 1 as per track report of Postal Authority.

Contd...2/-

It is further submitted that unserved registered cover containing the said notice has been received from the respondent No. 1 from the postal authority with remarks "Refused".

It is further submitted that Mr. Shreepal Singh, Advocate for sole petitioner has on 23-01-2017 filed proof of affidavit of dasti service stating therein that Rajni Bala, Sole petitioner has on 9-1-2017 went to the home of respondent No. 1 and served him the dasti notice personally, by signing and Left thumb impression on the notice.

Lastly, the Transfer Petition above mentioned was listed before the Ld. Registrar's Court on 27-01-2017 , when the following Order was passed:-

"None appears for respondent No.1, despite due service.

Respondent No.2 has already filed the counter affidavit.

Registry to process the matter for being listed before the Hon'ble Court, as per rules."

Service of show cause notice is complete by dasti service on respondent No. 1.

Service of show cause notice is complete on both the respondents.

The matter above mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 27th day of March, 2017.

ASSISTANT REGISTRAR

Copy to : Mr. Shree Pal Singh, Advocate
Mr. Naresh Kumar, Advocate

mc

ASSISTANT REGISTRAR