

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).1053/2011

STATE OF PUNJAB & ORS

Petitioner(s)

VERSUS

PRITAM KAUR
(With office report)

Respondent(s)

Date: 18/07/2011

This Petition was called on for hearing today.

For Petitioner(s)

Ms. Varuna Bhandari Gugnani, Adv.
Ms. Kavita Wadia, Adv.

For Respondent(s)

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

Instead of filing process fee and supplying additional copies of the pleadings, learned counsel for the petitioners has filed a photocopy of the letter dated 9.5.2011 which is addressed to the other side stating that "...kindly find enclosed copy of order dated 3.5.2011 alongwith copy of SLP Paper Book. Kindly acknowledge the same". Though petitioner has conveyed the other side by this letter that kindly acknowledge the same, today when enquired, learned counsel for the petitioner is referring the same letter addressed to the other side as proof of service of notice,
Item No.90 -2-

though there is no acknowledgment of receipt of such letter with notice and copies of pleadings by the other side i.e., without realizing the fact that proof of service means proper acknowledgment regarding receipt of notice and copies of the notice by the other side, which is not there on record in this case.

It is unfortunate that this happens in the Apex Court of the country where Advocates are repeatedly pressing to confirm the service in such manner.

It is more disturbing to note that the respondent is serving under the petitioner - State itself and therefore, it would be very easy for them to confirm service upon such respondents by affixing the notice and copies of the pleadings with the salary slip. Instead of confirming service in a simple manner, they are relying upon a formal letter addressed to the other side requesting him to confirm the acknowledgment and the learned counsel for the petitioner before the court states that since they have sent letter to the respondent, notice be considered as duly served.

It is to be recollect by all concerned that in many cases Hon'ble Courts have directed to serve the respondent again even after consideration of deemed service by one or other reason.
Item No.90

-3-

In view of the above facts and details, there is no need to grant further time to the petitioner and the matter is required to be listed before the Hon'ble Judge in Chambers for non-prosecution. However, in the interest of justice and more particularly in view of the fact as disclosed in order dated 3.1.2011 that SLP(C) No.17993/2010 is pending on same count, as last chance, petitioner is permitted to confirm service as aforesaid upon the respondent before 5.9.2011. If proper proof of service is not filed on record before 5.9.2011, list before the Hon'ble Judge in Chambers for non-prosecution.

(S.G. SHAH)
REGISTRAR

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