

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

SECTION – XVIA
LISTED ON : 26-04-2017
COURT NO : 7
ITEM No. : 16

TRANSFER PETITION (CIVIL) NO. 560 OF 2016
WITH
INTERLOCUTORY APPLICATION NO. 1 OF 2016
(Application for stay)

PRIYANKA SHIWAL

...Petitioner

VERSUS

ARUN SHARMA

...Respondent

OFFICE REPORT ON DEFAULT

The transfer petition above-mentioned was listed before the Hon'ble Court on 12-04-2016, when the Court was pleased to pass the following Order:-

"Application for exemption from filing O.T. is allowed.

Issue notice.

In the meantime, further proceedings in the case bearing No. HMA 485/2015 titled as "Arun Sharma vs. Priyanka Shiwali" pending before the Court of Principal Judge, Family Court, District South-West Delhi, Dwarka Court, New Delhi, shall remain stayed."

Accordingly, notice was issued to the sole respondent through Registered A.D. Post on 11-05-2016.

It is submitted that neither A.D. Card nor unserved cover containing the notice has been received back from the sole respondent.

Thereafter, the Transfer Petition above mentioned was listed before the Ld. Registrar's Court on 5th December, 2016, when the following Order was passed:-

"As per tracking report notice issued to the sole respondent has been received back with postal remarks "Left India". Hence, fresh steps for the service of notice to the sole respondent shall be taken by the learned counsel for the petitioner within a period of four weeks in compliance with the rules governing the subject.

List again on 19.1.2017."

Thereafter, the matter above-mentioned was listed before the Ld. Registrar's Court on 19th January, 2017, when the following Order was passed:-

contd...2/-

"Four weeks time as last chance is given to the Ld.counsel for the petitioner to comply with the terms of the order dated 05.12.2016 of this Court in respect of the sole respondent.

List the matter again on 28.02.2017."

It is submitted that Counsel for the petitioner has neither taken fresh steps for effecting service on sole respondent nor filed spare copy, hence show cause notice could not be issued.

Lastly, the matter above-mentioned was listed before the Ld. Registrar Court on 28-02-2017, when he was pleased to pass the following Order:-

"Ld.counsel for the petitioner has failed to file the fresh particulars and to take fresh steps in the respect of the sole respondent despite opportunities given as he left India.

Therefore, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further directions. Await orders and list thereafter.

Service of show cause notice is not complete.

The default on the part of the Counsel for the Petitioner is reported to the Hon'ble Judge in Chamber with this Office Report for Orders.

Dated this the 06th day of March, 2017.

ASSISTANT REGISTRAR

Copy to :

Mr. Merusagar Samantaray, Advocate

ASSISTANT REGISTRAR

MC