

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

SECTION XVI-A
LISTED ON:
CHAMBER MATTER:
ITEM NO. :

TRANSFER PETITION (CIVIL) NO. 597 OF 2015
WITH
INTERLOCUTORY APPLICATION NO. 1 OF 2015
(Application for Ex-Parte stay)

RATNALA RAMA

....Petitioner

VERSUS

RATNALA JAGADEESWARA RAO

....Respondent

OFFICE REPORT ON DEFAULT

The Transfer Petition above mentioned was listed before the Hon'ble Court on 24th April, 2015 when the Court was pleased to pass the following order:

"Heard learned counsel for the petitioner and perused the relevant material.

Issue notice.

In the meantime, there shall be stay of further proceedings in M.O.P. No. 42 of 2014 titled as "Ratnala Jagadeeswara Rao Vs. Ratnala Rama", pending in the Court of Senior Civil Judge, Sompeta, Srikakulam District, Andhra Pradesh."

Accordingly notice was issued to the Sole Respondent through Registered A.D. Post on 20th May, 2015.

It is submitted that unserved cover containing notice has been received back from the Sole Respondent with the postal remark "Addressee left".

Thereafter the matter was listed before the Ld. Registrar Court on 3th July, 2015 when he was pleased to pass the following order.

"Ld.counsel for the petitioner shall within a period of four weeks file the fresh particulars of the sole respondent and he shall also take fresh steps for the service of notice to him within the same period. Dasti in addition is permitted to be served through the Trial Court, the particulars of which shall be furnished by the Ld.counsel for the petitioner within the period provided above.

List again on 8.09.2015."

Contd ..2/-

Accordingly, notice was issued to the Sole respondent through Registered A.D Post on 30.07.2015 as well as Dasti and through Trial Court.

It is submitted that Service Report has been received from Trial Court stating therein that respondent is not residing at the given address and went out to some other place for livelihood.

Thereafter, the matter was listed before the Ld. Registrar Court on 4th February, 2016 when he was pleased to pass the following Order:

"Four weeks time as last chance is given to the Ld.counsel for the petitioner to comply with the terms of the order dated 26.11.2015 of this Court in respect of the sole respondent. On request of the counsel, dasti in addition is permitted.

List the matter again on 18.03.2016."

Accordingly, notice was issued to the Sole respondent through Registered A.D. Post on 25.02.2016 as well as Dasti.

It is submitted that Counsel for the petitioner has not filed Affidavit of Service of Dasti notice alongwith its proof so far.

Lastly the matter was listed before the Ld. Registrar Court on 1st August, 2016 when he was pleased to pass the following order;

"Ld.counsel for the petitioner has failed to file the affidavit in proof of dasti service of notice issued to the sole respondent, despite opportunities given. 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 counsel for the Petitioner is reported to Hon'ble Judge in Chamber with this Office Report.

Dated this the 02nd day of August, 2016.

ASSISTANT REGISTRAR

Copy to: Ms. S. Usha Reddy, Advocate.

ASSISTANT REGISTRAR