

SECTION XVI-A
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

LISTED ON : 05-04-2017
COURT NO. : 11
ITEM No. : 7

TRANSFER PETITION (CIVIL) NO. 677 OF 2016
WITH
INTERLOCUTORY APPLICATION NO. 1 OF 2016
(Application for Ex-Parte stay)

MOHINI SONI

.....Petitioner

VERSUS

ARUN KUMAR SONI

.....Respondent

OFFICE REPORT

The transfer petition above-mentioned was listed before the Hon'ble Court on 02-05-2016, when the Court was pleased to pass the following Order:-

"Issue notice.

In the meantime, there shall be stay of further proceedings in Complaint Case No. 86 of 2016 titled as 'Arun Kumar Soni v. Mohini Soni' pending before the Family Court, District Udham Singh Nagar, Rudrapur, Uttarakhand."

Accordingly, notice was issued to the sole respondent through Registered A.D. Post on 20-05-2016.

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

Thereafter, the matter above mentioned was listed before the Ld. Registrar's Court on 25-11-2016 when he was pleased to pass the following Order:

"Ld.counsel for the petitioner has failed to take fresh steps in the respect of 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."

It is submitted tht Mr. Gautam Awasthi, Advocate has on 25-11-2016 filed spare copy of Transfer Petiton which is barred by time by 3 days but he has not filed application for condonation of delay so far.

....2/-

The transfer petition above-mentioned was listed before the Hon'ble Judge-in-Chamber on 11-01-2017, when His Lordship was pleased to pass the following Order:-

"Perused the Office Report dated 19th December, 2016.

Delay in filing the spare copies is condoned.

In view of the above, the Registry is directed to take appropriate steps in the matter."

Accordingly, Fresh notice was issued to the sole respondent through Registered A.D. Post on 13-02-2017 as well as dasti notice through Trial Court on 10-02-2017.

It is submitted that notice has not been delivered to the sole respondent as per tracking report of Postal Authority.

It is further submitted that service report has been received from Trial Court on 09-03-2017 stating therein that "Notice has been served to the respondent personally."

Service of show cause notice is complete through service report of Trial Court.

The matter above mentioned is listed before the Hon'ble Court with this office report.

Dated this the 1st day of April, 2017.

ASSISTANT REGISTRAR

Copy to : Mr. Gautam Awasthi, Advocate.

ASSISTANT REGISTRAR

MC