

SECTION XVI

LISTED ON : 13.4.2017

COURT NO.: R-2

ITEM NO. : 16

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 5538 of 2014

(With prayer for interim -relief)

ABUL KALAM MOLIA & ORS.

..PETITIONERS

VERSUS

SIRAJUL HAQUE & ORS.

..RESPONDENTS

OFFICE REPORT

The matter above-mentioned were listed before the Hon'ble Judge-in-chamber Court on 22.7.2016 when HIS LORDSHIP was pleased to pass the following order:-

"Learned counsel for the petitioners is granted two weeks' time to file an application for substitution to bring on record the Lrs. Of deceased respondent no. 1 and also to take steps for effecting service of notice on respondent no.5."

It is submitted that counsel for the petitioner has filed an application for substitution on behalf of deceased respondent no.1 and the same was allowed vide this Hon'ble Judge-in-chamber's order dated 9.12.2016. cause title has been amended and notice was issued to the Lr Nos.1(i) to 1(vi) Of deceased respondent no.1 through registered AD post. Unserved covers containing notice have been received back from Lr.1(i) and Lr.1(iii) to Lr.1(vi) with postal remarks 'Not known' but counsel has not taken any step despite registry's letter dated 27.3.2017. As per tracking report remarks obtained as item bagged to 'Mahestala' in respect of Lr.1(ii). Copy of tracking report is enclosed.

It is further submitted counsel for the petitioner has taken fresh steps for effecting service upon respondent no.5. Accordingly notice was issued to respondent no.5 on 3.11.2016 through registered AD post but neither AD card nor unserved cover containing notice has

been received back so far. Respondent nos. 2-4 are represented through Mr. Vishal Arun, Advocate and he has also filed counter affidavit on their behalf.

Service is incomplete on behalf of respondent nos.1(i) to 1(vi) and 5.

The matter above-mentioned are listed before the Ld. Registrar's Court with this Report.

Dated this the 12th day of April, 2017.

ASSISTANT REGISTRAR

Copy to:- Dr. Sushil Balwada, Advocate
Mr. Vishal Arun, Advocate

ASSISTANT REGISTRAR