ITEM NO.123 REGISTRAR COURT SECTION X

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 MS. SUJATA SINGH

Petition(s) for Special Leave to Appeal (C) No(s). 5332/2024

RAGHUVAR DUTT MAULAKHI & ORS. Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ORS. Respondent(s)

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Date : 26-07-2024 This petition was called on for hearing today.

For Petitioner(s)
Mr. L.D. Joshi, Adv.
Mr. Deepak Jyoti Ghildiyal, Adv.
Mr. Sanjay Jha, Adv.
Mr. Narender Kumar Verma, AOR

For Respondent(s)

Mr. Thomas Oommen, AOR
Mr. Sanjeev Gupta, Adv.
Mr. Satayam Singh, Adv.
Ms. Sheetal Rajput, Adv.
Mr. Uttam Kumar, Adv.
Mr. Shikhar Kundoo, Adv.
Ms. Ankita Khanna, Adv.

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

Respondent No.2 is granted four weeks' time for filing counter affidavit.

Service is complete on respondent Nos. 1, 3, 4, 6 and 7 none has entered appearance.

Service was not complete on respondent No.5 on the last date of hearing i.e., 24.4.2024 but Ld. Advocate-on-record,

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Ms. Sweta Rani appeared and undertook to file vakalatnama and counter affidavit on behalf of respondent Nos.3 to 5.

Today Ld. Advocate-on-record, Ms. Sweta Rani virtually appeared before this Court and submitted that she has no further instructions to appear on behalf of respondent Nos.3 to 5. No vakalatnama has either been filed on behalf of respondent No.5 in the meantime,in light of her undertaking dated 24.4.2024. Hence, in view of the above, service is still incomplete on respondent No.5.

It has been submitted by Ld. Counsel for the petitioner that since Ld. Advocate-on-record, Ms. Sweta Rani had appeared on behalf of respondent No.5, even though service was not complete, then service should be deemed to be complete as respondent No.5 was not left unrepresented on that day. Further it has been submitted by Ld. Counsel for the petitioner that Office report too mentions that service is deemed to be complete on respondent No.5. Ld. Counsel for the petitioner vehemently argued and insisted that service should be deemed to be complete on respondent No.5 and he does not intend to take fresh steps for service on respondent No.5.

Here it is pertinent to mention that service cannot be deemed to be complete only on the basis of office report. It is also pertinent to mention that only on the basis of

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the word given earlier by the Ld. Advocate-on-record, Ms.Sweta Rani, service cannot be deemed to be complete as no vakalatnama has been filed by her on behalf of respondent No.5. Moreover as has been mentioned earlier service was not complete on respondent No.5 even on the last date i.e., 24.4.2024. Hence, in light of the contentions raised by the Ld. Counsel for the petitioner and in light of the fact that service was not complete on respondent No.5 on 24.4.2024 and in light of the fact that only a word was given by Ld. Advocate-on-record, Ms. Sweta Rani that she will file vakalatnama, which has never been filed by her, it appears appropriate that the matter be laid before Hon'ble Judge in Chambers for appropriate orders.

Registry to process the matter for listing before the Hon'ble Judge in Chambers for appropriate orders.

SUJATA SINGH
Registrar

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