p)ITEM NO.35 REGISTRAR COURT.1 SECTION IVA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4467 OF 2010

BEFORE THE REGISTRAR S.G. SHAH

RABIABI Appellant (s)

VERSUS

SHAHABI (D) BY LRS & ORS. Respondent(s)

(With office report)

WITH Civil Appeal NO. 4466 of 2010
(With office report)

Date: 22/07/2011 This Appeal was called on for hearing today.

For Appellant(s)
Mr Giri K, Adv.
Mr. Rajesh Mahale,Adv.
Mr. S.N. Bhat, Adv.

For Respondent(s)
Mrs M Qamaruddin, Adv.
Mr. M.Qamaruddin,Adv.
Ms. Kiran Suri ,Adv
Mr. P.R. Ramasesh ,Adv
Mr. V.N. Raghupathy ,Adv
Mr. Nishant Ramakantrao Katneshwarkar ,Adv

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

The ld. Advocate for the appellant in Civil Appeal no.4467/2010, Mr Rajesh Mahale says that he has not received the office report and therefore, he could not confirm that why outcome of dasti in respect of respondent Nos. 2,3,5 and 6 is not filed on record. He is requesting that though they have filed an application for deleting some of the respondents they have to amend such list, since they want to delete other respondents also, they are from 29-52. However,

even thereafter respondent Nos. 2,3,5 and 6 remains unserved. There is an order dated 3.2.2011 by the Hon’ble Court to issue fresh notice upon the unserved respondents with dasti service in addition. More than six months has lapsed. Now

today the ld. Advocate for the appellant says that he is not aware about the dasti service for such unserved respondent Nos. 2,3,5 and 6 though they have paid process fee and spare copies on 29.1.2011. Thereafter dasti service was issued on 11.2.2011. In view of the fact that the ld. Advocate for the petitioner is not aware about the factual details for confirmation of service of the unserved respondents and relying only upon an application for deleting some of the respondents, list before the Hon'ble Judge in Chambers for adjudicating of such an application for deleting some of the respondents and in absence of proper information on the part of the appellant to confirm service and to see that how notices can be served at the earliest and how judicial process can be completed fast, for non-prosecution against such unserved respondent.

It goes without saying that appellant is always able to file outcome of dasti before the date of listing of matter before the Hon'ble Judge in Chamber for non-prosecution.

While passing such order, the ld. Advocate for the appellant is again pressing that he has not received the office report and that once they have paid process fee and spare copies, they cannot confirm the status of notice in absence of office report. They have to understand that when there is an order to issue dasti and dasti notices are issued

and given to the appellant for confirming service personally or by appropriate mode, as provided under CPC, upon the respondent and then to disclose on record the outcome of such dasti service, what the office report will convey them on a given date. Once dasti service is issued, it is the duty of the ld. Advocate for the appellant to disclose the outcome of dasti before the next date.

Office reports are neither mandatory nor compulsory. More particularly in such cases office report cannot confirm

more than the fact which is otherwise well known to the ld. Advocate for the appellant so far as status of dasti is concerned that whether they are served or whether they have disclosed properly on record or not.

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Nobody is present for the appellant.

They have failed to comply with the earlier order dated 9.5.2011. In such cases it is difficult to adjourn the matter repeatedly for confirmation of service . If appellants are not interested to confirm service even after Court's direction to serve notice by dasti mode for more than 5 months, there is no sense to adjourn the matter before this Court repeatedly.

List before the Hon'ble Judge in Chamber for non-prosecution against all unserved respondents.

(S.G.SHAH)
Registrar

hj