
(2006) 02 AHC CK 0126
In the Allahabad High Court
Case No : Second Appeal No. 227 of 1983

Satya Narain Mishra Defendant	Vs	APPELLANT
Sardar Finance Corporation (M/s.) and others		RESPONDENT

Date of Decision : 24-02-2006

Acts Referred:

Citation : (2006) 02 AHC CK 0126

Hon'ble Judges : S.P.Mehrotra, J

Final Decision : Dismissed

Judgement

S.P. Mehrotra, J.—Pursuant to the order dated 6.12.2005, the case is listed today under Chapter XII, Rule 4 of the Rules of the Court with the Office Report dated 20.2.2006.

2. Shri A.N. Bhargava, learned Counsel for the defendantappellant is present. He states that despite repeated communications having been sent to the defendantappellant, the defendantappellant has not contacted him (Shri A.N. Bhargava) and as such, he (Shri A.N. Bhargava) is not in a position to take steps pursuant to the order dated 6.12.2005 passed by the Court read with the order dated 5.5.1988 passed by the Joint Registrar.

3. As the matter is listed today under Chapter XII, Rule 4 of the Rules of the Court, the Court is proceeding to pass appropriate orders in the matter.

4. By the order dated 2.4.1985, the Second Appeal was admitted and notices were directed to be issued on the Second Appeal.

5. It appears that pursuant to the said order dated 2.4.1985 passed on the Second Appeal, notices were issued to the respondent Nos. 1, 2 and 3. The office submitted its report dated 10.3.1988 regarding service of notices issued to the respondent Nos. 1, 2 and 3 pursuant to the said order dated 2.4.1985 passed on the Second Appeal.

6. It further appears that in view of the said office report dated 10.3.1988, the

Joint Registrar by his order dated 5.5.1988 directed for taking fresh steps by Registered Post A/D issuance of notices to the respondent Nos. 1, 2 and 3.

7. It further appeal that requisite steps for issuance of notices pursuant to the said order dated 5.5.1988 passed by the Joint Registrar were not taken on behalf of the defendantappellant.

8. In the circumstances, the case was listed before the Court on 6.12.2005 with the Office Report dated 30.11.2005.

9. On 6.12.2005, the Court passed an order granting ten days" time to the learned Counsel for the defendantappellant for taking requisite steps for issuance of notices, pursuant to the said order dated 5.5.1988 passed by the Joint Registrar. It was further observed in the said order dated 6.12.2005 that in case, the steps were not taken, the case would be listed under Chapter XII, Rule 4 of the Rules of the Court.

10. The case is accordingly listed today under Chapter XII, Rule 4 of the Rules of the Court.

11. The Office has submitted its Report dated 20.2.2006, which shows that requisite steps for issuance of notices pursuant to the said order dated 5.5.1988 passed by the Joint Registrar read with the said order dated 6.12.2005 passed by the Court have not been taken.

12. Even though the case is listed under Chapter XII, Rule 4 of the Rules of the Court, requisite steps for issuance of notices, pursuant to the said orders, have not been taken even today.

13. In the circumstances, the Court has no option but to dismiss the Second Appeal under Chapter XII, Rule 4 of the Rules of the Court for want of prosecution.

14. The Second Appeal is accordingly, dismissed under Chapter XII, Rule 4 of the Rules of the Court for want of prosecution.