

TA No. 359 of 2016

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

**TA No. 359 of 2016
Date of decision: 18.4.2017**

Shalini

...Applicant

Versus

Shammi Garg

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sumeet Jain, Advocate
for the applicant.

RAMESHWAR SINGH MALIK, J. (Oral)

Learned counsel for the applicant, at the very outset, fairly states that despite having been made repeated efforts on his part, no instructions are being passed on to him by the applicant, because of which he is unable to assist the court. He further submits that let the present transfer application be dismissed in default, however, granting liberty to the applicant to get it revived, if necessity arises.

As per office report, service on the respondent is still not complete, which shows that applicant is not taking any interest in the matter.

When the case came up for hearing on 14.3.2017, following order was passed by this Court.

*“When this case came up for hearing on 27.1.2017,
following order was passed:-*

“When the case was taken up on

second call, learned counsel for the applicant appears and submits that he is not aware about the result of dasti process or ordinary process as well as the process to serve the respondent through his counsel before the learned trial Court.

He is again granted permission to serve the respondent by way of dasti process as well as through his counsel before the learned trial Court, in addition to the ordinary process.

List on 14.03.2017.

However, order dated 09.05.2016 staying the further proceedings before the learned trial Court is hereby vacated and the learned trial Court is directed to proceed further with the matter.

Office is directed to sent a copy of the order passed today to learned Family Court, Faridabad.”

As per office report dated 9.3.2017, dasti notice issued to the respondent has not been received back, served or otherwise. Learned counsel for the applicant is not aware about the dasti process. Ordinary notice issued to the respondent has been received back with the report that address was incomplete.

In view of the above, it becomes clear that applicant is not taking due interest in effecting service on the respondent.

However, in the interest of justice, one last and final opportunity is granted to the applicant to effect service on the respondent.

On furnishing latest and correct address by the learned counsel for the applicant within a period of two weeks from today, let fresh notice be issued for 18.4.2017.

Process dasti as well as through the counsel of respondent before the court below, in addition to ordinary process.”

TA No. 359 of 2016

In spite of the abovesaid order, applicant has not taken appropriate steps to serve the respondent.

In view of the above, coupled with the statement made by learned counsel for the applicant, present transfer application is dismissed for want of prosecution, however, granting liberty to the applicant to get it revived within a period of one month from today, if necessity arises.

18.4.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No