

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.250 of 2014
Date of decision: 09.02.2017

Amita Aggarwal

... Applicant

Vs.

Madhur Gupta

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: None for the applicant.

RAMESHWAR SINGH MALIK, J. (ORAL)

This transfer application came up for hearing before this Court on 26.04.2014. After hearing the learned counsel for the applicant, following order was passed by this Court: -

“Notice of motion for 15.12.2014.

In the meantime, further proceedings before the Trial Court shall remain stayed.

Parties shall remain present in Court on the date fixed.”

When despite having granted many opportunities, applicant was not taking due interest in effecting service on the respondent-husband, following order was passed on 10.03.2016: -

“Perusal of numerous zimni orders would show that applicant is not filing correct address of the respondent for the last more than one year. On the other hand, interim order is continuing. It seems that applicant is trying to get the undue benefit of the

interim order.

Neither anybody has come present on behalf of the applicant, nor any request for pass over has been made.

In view of the abovesaid fact situation, although there is no justification for adjourning the case any further, yet in the interest of justice, one last and final opportunity is granted to the applicant to do the needful. If learned counsel for the applicant would not furnish the latest, complete and correct address of the respondent within a period of two weeks from today, present transfer application would stand dismissed. Further, the applicant is directed to serve the respondent by way of dasti process only.

List for final disposal on 31.3.2016.”

Thereafter on 31.03.2016, following order was passed: -

“Although notice of motion was issued vide order dated 26.4.2014 and further proceedings before the learned trial court were stayed, yet the applicant has not made sincere efforts so far to serve the respondent.

Learned counsel for the applicant seeks one last and final opportunity to serve the respondent by way of dasti process as well as through his counsel before the learned trial court.

Permission is granted.

List on 16.5.2016.

However, it is made clear that if the applicant remains unable to effect the service on the respondent for the next date of

hearing, instant application shall be deemed to have been dismissed without further reference to the court.”

When the applicant did not comply with the abovesaid order passed by this Court, following order was passed on 16.05.2016: -

“As per office report dated 12.5.2016, dasti notice issued to the respondent through his counsel before the learned trial court has been received back unserved with the report that the learned counsel has been posted as President, District Consumer Disputes Redressal Forum, Gurdaspur.

In view of the above, although instant transfer application ought to have been dismissed without further reference to the Court, as ordered on the last date of hearing, i.e. 31.3.2016, yet in the interest of justice, it is not being dismissed for want of prosecution. Let applicant avail another opportunity 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 5.8.2016.

However, since the applicant has miserably failed to take appropriate steps to serve the respondent for a period of more than two years and further proceedings before the learned trial court have already been stayed by this Court vide order dated 26.4.2014, said interim order shall stand vacated.

Office is directed to inform the learned trial court to proceed further.”

Finally on 16.11.2016, following order was passed by this Court:-

“Learned counsel for the applicant submits that service on the respondent has not been effected. He submits that fresh process be issued for effecting service on respondent by way of dasti process. Ordered accordingly.

To come up on 09.02.2017.”

As per office report dated 08.02.2017, dasti notice issued has not been received back so far served or otherwise.

Neither anybody has come present to press this transfer application nor any request for pass over has been made. It seems that applicant is no more interested in pursuing the present transfer application.

In view of the above, this Court is left with no other option except to dismiss this transfer application for want of prosecution.

Dismissed in default.

[RAMESHWAR SINGH MALIK]
JUDGE

09.02.2017
vishnu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No