

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Interlocutory Application Nos. 4-5

In

Transfer Petition (C) No. 945 of 2006

Union of India & Ors.

...Petitioner(s)

VERSUS

M/s Jayant Oils & Derivatives Ltd. & Ors. .Respondent(s)

O R D E R

TARUN CHATTERJEE,J.

1. Delay condoned.
2. This is an application for restoration of the Transfer Petition being T.P. No. 945 of 2006 as against the respondent, on whom notices have been served and also for a direction that the order of the dismissal would operate only against those respondents whose addresses were not furnished by the petitioners and for other incidental reliefs.

3. It appears from the record that the petitioners were required to file process fee and copies of the Transfer Petition and the Amendment Petition with correct addresses of all the respondents for effecting service of notice on the respondents. However, Petitioners filed an application before this Court seeking an exemption from filing spare copies of annexures attached to the Transfer Petition. The application for exemption was disallowed by this Court by an order dated 8th of May, 2007. Accordingly, the petitioners were directed to take steps to file the process fee and spare copies. Since the petitioners did not comply with the office report dated 8th of May, 2007, directing the petitioners to file process fee and to furnish correct and latest address of the some of the respondents, the matter was placed before Hon'ble The Chamber Judge on 24th of July, 2008 when the following order was passed :-

“If requisite steps in compliance with the Office Report dated 22.04.2008 are not taken within four weeks, the Transfer Petition shall stand dismissed.”

4. Subsequent to this order, the petitioners filed an application seeking extension of time to comply with the office report dated 22nd of April, 2008 and the order dated 24th of July, 2008. However, the said application was not listed because it was barred by time by four days. Since the petitioners have not complied with the office report dated 22nd of April, 2008 i.e. for want of correct addresses of the respondents, the Transfer Petition stood dismissed for non-compliance of the said office report.
5. Now, this application has been filed for restoration of the Transfer Petition, praying for restoration as against the respondents on whom the notices were served. There has also been a prayer for a direction upon the Department that the dismissal

order would operate only against those respondents whose addresses were not furnished by the petitioners.

6. Having heard the learned counsel for the parties and after going through the statements made in the application, we allow the application for restoration and direct the Transfer Petition to be restored to its original file only against the respondents on whom notices have already been served. The order of dismissal would operate only against those respondents whose addresses were not furnished by the petitioners.
7. Accordingly, the application for restoration is allowed to the extent indicated above. There will be no order as to costs.

.....J.
[TARUN CHATTERJEE]

NEW DELHI;
.....J.

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MARCH 16, 2009.
DATTU]

[H. L.