

IN THE HIGH COURT OF JHARKHAND AT RANCHI

[Civil Miscellaneous Appellate Jurisdiction]

M.A. No. 17 of 2010

Dadan Singh, S/o Shri Vishwanath Singh ..... Appellant(s)  
Versus  
M/s Pragati Associates & Ors. .... Respondent(s)

.....  
**CORAM :HON'BLE MR. JUSTICE KAILASH PRASAD DEO**  
**(Through :-Video Conferencing)**

.....  
For the Appellant(s) : Mr. Vipul Poddar, Advocate.  
For the Resp. 7 to 11 : Mr. Gautam Rakesh, Advocate  
For the Res. 2 to 6 : Mr. Ajay Kumar Singh, Advocate

.....  
**16 / 25.06.2020.** Heard, learned counsel for the appellant.

Perused the office notes dated 19.06.2020 and 21.08.2014.

From office notes dated 19.06.2020, it appears that notice issued upon Respondent No.12 in admission matter has been returned unserved five times, as the noticee has left the said address.

As per office notes dated 21.08.2014, the service report kept at Flag-S shows valid service of notice upon Respondent No.1 whereas registered cover returned unserved with Postal Peon remarks "Not traced returned".

Learned counsel for the appellant, Mr. Vipul Poddar seeks an adjournment of this case so that he may get instructions from the appellant regarding the pendency of the **Title Suit No.45 of 2009** before the Court of learned Sub Judge-I, Dhanbad.

Learned counsel, Mr. Gautam Rakesh appears on behalf of the respondent Nos.7 to 11 and learned counsel, Mr. Ajay Kumar Singh appears on behalf of the respondent Nos.2 to 6.

None of the counsels appearing for the parties is sure about the pendency of the suit before the court below.

Under the circumstances, learned counsel for the the appellant is directed to take steps for fresh service of notice upon Respondent Nos. 1 and 12 through the court of learned Sub Judge-I, Dhanbad, for which requisites etc., must be filed within two weeks. The court below shall serve the notice upon Respondent Nos.1 and 12 after taking an undertaking that they shall appear before this Court within two weeks.

Further two weeks' time is granted to the learned counsel for the appellant to seek instruction and file affidavit regarding the pendency of the said Title Suit.

Put up this case after four weeks, as the matter is lingering since the year 2010 in Miscellaneous Appeal where injunction has been refused by the learned court below.

Let the name of learned counsel, Mr. Gautam Rakesh may appear in the Cause List in place of learned counsel, Mr. R. N. Roy appearing for the respondent Nos.7 to 11.

**(Kailash Prasad Deo, J.)**

Sandeep/Pappu