

SECTION-IX
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 7

(Application for vacating stay)

IN

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 15211-15212 OF 2015

SHAIKH HAMID SK. HANIF ETC. ETC.PETITIONERS

-VERSUS-

SALIM BAIG YUSUF BAIG & ORS. ETC. ETC. ...RESPONDENTS

OFFICE REPORT

The SLPs above-mentioned were listed before the Hon'ble Court on 01st July, 2015 when the Court was pleased to pass the following Order:-

"Issue notice.

In the meanwhile, there shall be stay of operation of the impugned order of the High Court. "

Thereafter, The SLPs above-mentioned were listed before the Court of Registrar on 01st December, 2015 when the Court was pleased to pass the following Order:-

"The respondent Nos.2-4 have failed to file the counter affidavit within the period stipulated under the rules. The respondent Nos.1 & 5 shall be at liberty to file the counter affidavit within a period of four weeks.

Ld.counsel for the petitioner is directed to take fresh steps in respect of respondent No.6 within four weeks.

List the matter again on 09.02.2016."

Thereafter, The SLPs above-mentioned were listed before the Court of Registrar on 30th March, 2016 when the Court was pleased to pass the following Order:-

"Four weeks time as last chance is given to the respondent No.5 to file the counter affidavit.

Ld.counsel for the respondent No.1 has already filed the counter affidavit and I.A. for stay which are found to be defective. Ld.counsel shall within a period of four weeks rectify the defects whatever have been found in the said affidavit and I.A.

Four weeks time as last chance is given to the Ld.counsel for the petitioner to take fresh steps for the service of notice to the unserved respondent No.6.

List the matter again on 12.05.2016."

And lastly, The SLPs above-mentioned were listed before the Court of Registrar on 12th May, 2016 when the Court was pleased to pass the following Order:-

"The respondent No.5 has failed to file the counter affidavit within the period stipulated under the rules. I.A. for vacating the stay filed by the respondent No.1 shall be processed as per rules.

Ld.counsel for the petitioner has failed to take fresh steps in the respect of the respondent No.6 despite opportunities given. Therefore, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further directions. Await orders and list thereafter."

The office report on default dated 17.05.2016 was listed before the Hon'ble Judge-in-chambers on 22.07.2016 when His Lordship was pleased to pass the following order:

"Counsel for the petitioner has already served notice on the Sixth Respondent.

Learned counsel for the petitioner is granted one week time to file affidavit of service with proof. "

It is submitted for the information of the Hon'ble Court that there are six respondents in SLP (C) No. 15211 of 2015 and five respondents in SLP (C) No. 15212 of 2015. Respondent Nos. 2 to 5 are common in both the matters. Accordingly, show cause notice was issued to all the respondents on 28.07.2015 by registered A. D. post. Mr. Abhishek Sharma, Advocate has filed vakalatnama/appearance on behalf of respondent No. 1 in SLP (C) No. 15211 of 2015 and also filed counter-affidavit and the same has been included in the paper-books. Mr. Nishant R. Katneshwarkar, Advocate has also put in appearance on behalf of respondent Nos. 2 to 4 in both the SLPs. M/s. Lemax Lawyer's & Co., Advocates have also filed vakalatnama/appearance on behalf of respondent No. 5 but they have not filed counter-affidavit so far. A. D. card duly signed has been received back from respondent No. 1 in SLP (C) No. 15212 of 2015 but no one has entered appearance. Neither A. D. card nor unserved cover has been received back from respondent No. 6 in SLP (C) No. 15211 of 2015 so far.

It is further submitted that counsel for the petitioner has on 25.07.2016 filed affidavit of dasti service in respect of respondent No. 6 after serving the copy of the petition on Mr. Makrand Adkar, Counsel for respondent No. 6 but he has not filed vakalatnama/appearance so far.

It is lastly submitted that Mr. Abhishek Sharma, Advocate for respondent No. 1 has filed application for vacating stay of Court's Order dated 01.07.2015. The said application has been registered as I. A. No. 7 and placed before the Hon'ble Court.

Service of notice is complete.

The application in the matter above mentioned the Hon'ble Court with this report.

Dated this the 28th day of July, 2016.

ASSISTANT REGISTRAR

Copy to:

M/s. Lambat & Associates, Advocates
L Mr. Abhishek Sharma, Advocate
M/s. Lemax Lawyer's & Co., Advocates

ASSISTANT REGISTRAR