

LISTED ON : 11-5-2015
COURT NO.: 6
ITEM NO. : 1

SECTION XIIA
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NOS. 24-25

(Application for modification of Court's order dated 16th March, 2015)

IN

PETITIONS FOR SPECIAL LEAVE TO APPEAL (C) NOS. 23724-23725 OF 2008

ARIF NOORUL HASAN (D) BY LRS. & ORS. ..PETITIONERS

- VERSUS -

STATE OF A.P & ORS. ..RESPONDENTS

OFFICE REPORT

The matters alongwith connected matters alongwith I.A. Nos. 22-23 of 2015 in SLP(C) Nos. 23724-23725 of 2008 were listed before the Hon'ble Court on 16th March, 2015 when the Court was pleased to pass the following Order:

“List the Application (I.A.No._____/2015) for substituted service in SLP(C)No.7713/2008 on 20.3.2015.

In I.A.No.14-15 in SLP(C) Nos.23724-23725 of 2008, Ms. Bina Madhvan, learned counsel accepts notice in these SLPs where the Kaushik Cooperative Housing Society is a respondent. Insofar as Respondent No.6 to 25, 31 to 42 and 46 to 52 in SLP(C)No.23724/2008 and Respondent No.7 to 20 and 23 to 24 in SLP(C)No.23725/2008, the applicant is also permitted to serve through the service in the same manner as indicated in the I.A.No.22-23/2015 in SLP(C)No.23724-23725/2008.

I.A.No.14-15/2008 stands disposed of accordingly.

I.A.NO.22-23 OF 2015 IN SLP(C)NO.23724-23725/2008

The application filed with the prayer as follows:

“(A) Allow the present application by permitting the Petitioner/Applicant to serve the un-served respondents i.e. Respondent Nos.3,4,26-30, 43-45 & 56 in

SLP(C)NO.23724 OF 2008 AND Respondent Nos.3,21 & 22 in SLP(C)No.23725 of 2008 by substituted service , i.e. by way of publication in the local daily newspapers – Hindu (English Daily) and Prabha (Telugu Daily).

(B) Pass any order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

I.A.No.22-23/2015/2015 in SLP(C)No.23724-23725/2008 is disposed of directing the petitioner-applicant to serve the respondents mentioned in the said prayer by publication in the two local daily newspapers, namely, "Hindu" (English Daily) and "Ennadu" (Hyderabad Edition).

In so far as SLP(C)No.27319-27325/2008 is concerned, admittedly, a large number of respondents remained unserved. The petitioner is directed to identify whether these respondents have already been served in any of the connected SLPs even as respondents/petitioner in any other connected SLP and represented by any counsel. If these respondents are represented by an Advocate-on-Record in any one of the SLP, the petitioner is permitted to serve such of those respondents who are represented by the counsel. If such respondents are not yet represented by any counsel, then the petitioner is at liberty to serve by substituted service.

List all the SLPs after summer vacation."

It is submitted to the Hon'ble Court that Mr. Sunil Fernandes, Advocate has on 15th April, 2015 filed application for modification of this Hon'ble Court's order dated 16th March, 2015 and the same is registered as I.A. Nos. 24-25 of 2015 and placed before this Hon'ble Court's kind perusal.

Service position of SLP is as under:

SLP(C) No. 23724 of 2008

It is submitted that there are 60 respondents in the matter. Respondent Nos. 1 & 5 is represented by M/s. Venkat Palwai Law Associates & Mr. Sadineni Ravi Kumar, Advocates and Respondent No. 57 is represented by Mr. Sudha Gupta, Advocate. Name of Respondent Nos. 58 to 60 (proforma Respondents) are deleted vide Court's order dated 10th November, 2014 and cause title has been amended accordingly and the same is already included in SLP paper books

Service is not complete on Respondent Nos. 3, 4, 6 to 45, 46-51& 56.

SLP(C) No. 23725 of 2008

It is submitted that there are 24 respondents. Mr. G. N. Reddy, Advocate has filed Vakalatnama/Appearance on behalf of Respondent No. 1 but not filed counter affidavit so far. Mr. Sadineni Ravi Kumar, Advocate has filed vakalatnama/appearance on behalf of respondent no. 4 but not filed counter affidavit so far.. Respondent no. 2 died who is common as respondent no. 2 in SLP(C) No. 23724 of 2008 and no steps to be taken.

It is further submitted that Ms. T Anamika, Advocate has filed an application for deletion for the name of Respondent no. 2 in SLP(C) No. 23725 of 2008 respondent Nos. 5, 6 and 13 viz. Govind Shyamji arrayed as Respondent no. 14 in SLP(C) no. 23725 of 2008 as the above-said respondents reported dead and their Lrs. have already on record as per application i.e respondent nos. 26 to 30 as Lrs. of deceased respondent No. 2 in SLP(C) no. 23724 of 2008 i.e. Arif Nooral Hasan Petitioner nos. 1(i) to (iii) are Lrs. of deceased respondent no. 5 in SLP(C) No. 23725 of 2008 and respondent nos. 59 and 60 in SLP(C) no. 23724 of 2008, Respondent no. 10 and 12 are Lrs. of deceased respondent no. 14 in SLP(C) No. 23725 of 2008 i.e. Govinda Shyamji. Respondent no. 58 in SLP(C) no. 23724 and respondent no. 6 in SLP(C) no. 23725 are common and died as Bachelor leaving behind on Lrs. as per application in the matter.

Service is not complete on Respondent Nos. 3, 7 to 13, 15 to 24.

The aforesaid application in the matter is are listed before the Hon'ble Court with this Office Report.

Dated this, the 8th day of May, 2015.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. Sadineni Ravi Kumar, Advocate
2. Ms. Sudha Gupta, Advocate
3. M/s T.T.K Deepak & Co.Advocate
4. Mr. Sunil Fernandes, Advocate

ASSISTANT REGISTRAR