

LISTED ON: 06.01.2015
BEFORE COURT NO:
ITEM NO:

SECTION:XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 8360 OF 2010
WITH
CIVIL APPEAL NO. 8830-8835 OF 2010
WITH
INTERLOCUTORY APPLICATION D. NO. 10095 AND 12313
(Application for condonation of delay in filing of statement of case
for condoning 70 & 76 days)
AND
CIVIL APPEAL NO. 8838 OF 2010

Union of India & Ors. ...Appellants
Versus
Vishav Priya Singh ..etc. ...Respondents

OFFICE REPORT

The appeals above mentioned was listed before the Hon'ble Court on 12.11.2014 with office report dated 15.09.2014, when the Court was pleased to pass the following Order:-

"Heard.

Looking to the importance of the issues that fall for consideration and the far-reaching implications, any pronouncement from this Court may have on the practice and procedure being followed by the Indian Army in the matters of holding court martials, we deem it fit to request Mr. Arun Mohan, Senior Advocate, and Ms. Jyoti Singh, Senior Advocate, to assist us as amicus.

Mr. R. Balasubramanian, learned counsel appearing for U.O.I., undertakes to furnish a complete set of papers of Civil Appeal No(s).8360 of 2010, 8838 of 2010, 10104 of 2011 and 8830-8835 of 2010 to Mr. Arun Mohan, Sr.Advocate, and Civil Appeal No(s).2547 of 2011, 2548 of 2011, 2549 of 2011 and 2550 of 2011 to Ms. Jyoti Singh, Sr.Advocate, within one week from today.

Post for hearing after ensuing winter vacation."

CIVIL APPEAL No. 8360 OF 2010

It is submitted that there is sole respondent in this appeal. Service of Notice of Lodgment of Petition of Appeal is complete on the sole respondent and is represented by Mrs. Rekha Palli, Advocate.

It is further submitted that counsel for the parties have filed statement of case and copies of the same have been included in Paper Books.

Civil appeal is ready for hearing.

CIVIL APPEAL NO. 8830-8835 OF 2010

The matter above mentioned was listed before the Hon'ble Judge in Chamber on 18.10.2012 when His Lordship was pleased to pass the following Order:-

“Four weeks' time is granted to the counsel for the parties to file their respective statement of case.

In the event of default, the right to file the statement of case shall stand forfeited. The matters shall proceed further in accordance with law.”

It is submitted that counsel for the appellant has on 20.12.2012 filed the statement of case. Counsel for the respondent has not filed the statement of case so far and his right to file statement of case has been forfeited vide Hon'ble Chamber Judge Order dated 18.10.2012.

It is further submitted that counsel for the respondent No. 1 has on 24.1.2013 and 31.1.2013 filed statement of case in Civil Appeal No. 8830/2010 and Civil Appeal Nos. 8833 and 8835/2010 alongwith application for condonation of delay of 70 and 76 days respectively in filing statement of case but vide Hon'ble Chamber Judge Order dated 18.10.2012, right to file the statement of case has been forfeited and thereafter, pre-final hearing was also listed before the Court of Ld. Registrar on 18.1.2013 (copies of the same have been placed with appeal Paper Books for kind perusal of the Hon'ble Court).

It is further submitted that there is sole respondent in all the matters. Service of Notice of Lodgment of Petition of Appeal is complete on the sole respondent in all the matters. The sole respondent in Civil Appeal Nos. 8830, 8833 and 8835/2010 are represented by Mr. R. P. Goyal, Advocate and in Civil Appeal Nos. 8831, 8832 and 8834/2010 are represented by Mr. R. C. Kaushik, Advocate.

CIVIL APPEAL NO. 8838 OF 2010

The matter above mentioned was listed before the Hon'ble Judge in Chamber on 22.11.2013, with an office report for directions dated 01.11.2013, when His Lordship was pleased to pass the following Order:-

“Learned counsel for the respondent is granted four weeks' time for filing the Statement of Case.”

It is submitted that there is sole respondent in this appeal. Service of Notice of Lodgment of Petition of Appeal is complete on the sole respondent and he wants to appear as in person before the Court but in this regard he has not given an application as in which language he wants to argue-in-person before the Court, despite Registry letter dated 29/5/2013. For the reason his entry may not be allowed in Court premises.

It is also submitted that counsel for the appellant has filed the statement of case but sole respondent in person has not filed the statement of case so far. List of date has been filed at SLP stage in this appeal, hence civil appeal may be treated as ready for hearing.

Original Record in all the appeals above mentioned have been received from the High Court and is available with the Registry for reference of the Hon'ble Court.

The appeals alongwith application above-mentioned are listed before the Hon'ble Court with this officer report .

DATED THIS THE 17th day of NOVEMBER, 2014.

ASSISTANT REGISTRAR

COPY TO:

1. Mr. B. K. Prasad, Advocate

I Address:

2. Mr. Ashok Kr. Sharma (In -person),
S/o. Late Sh. Ganga Charan Sharma,
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Distt. Agra, U.P.

IInd Address:

Principal, Mahavir Public school,
Mehandipur Balaji (Dausa)
RAJASTHAN.

3. Mrs. Rekha Palli, Adv.

4. Mr. R. C. Kaushik, Adv.

5. Mr. Rameshwar Prasad Goyal, Adv.

ASSISTANT REGISTRAR.