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

CIVIL APPEAL NOS. 9336, 9698, 9710,9711,9712,9343,9713,9714,9715,9716, 9717,9718, 9719 OF 2013, 5662 AND 6825 OF 2014
WITH
INTERLOCUTORY APPLICATION NO.1
(Application for permission to place on record Additional Documents in Civil Appeal No.9336 of 2013)
WITH
INTERLOCUTORY APPLICATION NO.2
(Application for Clarification of Court's order dated 10.01.2011 and 18.10.2013 filed by Mr. E.C. Agrawala, Advocate)
IN
CIVIL APPEAL NO. 9343 OF 2013
WITH
INTERLOCUTORY APPLICATION NO.3
(Application for Clarification of Court's order dated 10.01.2011 and 18.10.2013 filed by Mr.N. Ganpathy, Advocate)
IN
CIVIL APPEAL NO. 9717 OF 2013
WITH
INTERLOCUTORY APPLICATION NO.1
(Application for Clarification of Court's order dated 10.01.2011 and 18.10.2013 filed by Mr. E.C. Agrawala, Advocate)
IN
CIVIL APPEAL NO. 9698 OF 2013
WITH
INTERLOCUTORY APPLICATION NO.2
(Application for Clarification of Court's order dated 10.01.2011 and 18.10.2013 filed by Mr.N. Ganpathy, Advocate)
IN
CIVIL APPEAL NO. 9718 OF 2013
WITH
INTERLOCUTORY APPLICATION NO.2
(Application for Clarification of Court's order dated 10.01.2011 and 18.10.2013 filed by Mr.N. Ganpathy, Advocate)
IN
CIVIL APPEAL NO. 9714 OF 2013

M/S. K. RAHEJA CORPORATION PVT. LTD, & ANR. ETC. ...APPELLANTS

-VERSUS-

FRANKY MONTEIRO & ORS. ETC. ...RESPONDENTS

OFFICE REPORT

CIVIL APPEAL NOS. 9336, 9698, 9710,9711,9712,9343,9713,9714,9715,9716, 9717,9718, 9719 OF 2013

The above mentioned Civil Appeals were listed before the Hon'ble Court on 18.10.2013 when the Court was pleased to pass the following Order:-

> **"Leave granted.**
> **To be listed for final hearing within one year from today.**
> **Interim order to continue during the pendency of appeals."**

Thereafter Interlocutory Application No. 2 in Civil Appeal No(s). 9343 along-with others Interlocutory Applications were listed before the Hon'ble Court on 21.01.2016, when the Court was pleased to pass the following Order:-

> **"At the request of learned senior counsel/learned counsel appearing for the parties, list on 04.02.2016 along with C.A. No.9336 of 2013 and all connected matters and interlocutory applications.**
> **Counsel for the parties are directed to furnish the list of pending matters during the course of the day."**

The Service Position of Civil Appeals are as follows:

CIVIL APPEAL NOS. 9336 OF 2013

It is submitted for information of the Honible Court that there are eleven Respondents in this matter. Respondent Nos. 1, 6, 7, 9 and 11 are represented by Ms. Jyoti Mendiratta, Mr. Nirnimesh Dube, Mr. Merusagar Samantaray, Mr. N. Ganapathy and Mr. B. K. Prasad, Advocates respectively while Respondent Nos. 2 to 5, 8 and 10 has not chosen to enter appearance though served with notice at the SLP stage.

It is further submitted that Ms. Jyoti Mendiratta, Advocate and Mr. B. K. Prasad, Advocate have filed Counter Affidavit on behalf of Respondent Nos. 1 and 11 respectively which is included in the paper books.

It is lastly submitted that M/s.Karanjawala & Co., Advocates have filed Additional Documents (Volume-II) with application for permission to place on record additional documents. The application has been registered as I.A.No.1 and

...3/-

the documents are being circulated to the Court.

Service is complete.

CIVIL APPEAL NOS. 9343 OF 2013

It is submitted for information of the Hon'ble Court that there are seven Respondents in this matter. Respondent Nos. 1, 2 and 6 are represented by Mr. Nimimesh Dube, Mr. Merusagar Samantaray and Mr. A. K. Sharma, Advocates respectively, while Respondent Nos. 3-5 and 7 have not chosen to enter appearance though served with notice.

Service is complete.

CIVIL APPEAL NOS. 9719 OF 2013

It is submitted that there are seven Respondents. M/s. T. Mahipal, Nirnimesh Dube, Merusagar Samantray and N. Ganapathy, Advocates have filed Vakalatnama/Appearace on behalf of Respondent Nos. 1 and 2, 3, 4, and 5 & 6 respectively. Counter Affidavit has been filed by Respondent Nos. 1 and 2. No one has entered appearance on behalf of Respondent No. 7 though served by way of dasti and registered A.D.

Service is complete.

CIVIL APPEAL NOS. 9698 OF 2013

There are seven Respondents in this matter. M/s. Merusagar Samantray, Nirnimesh Dube and Arvind Kumar Sharma, Advocates have filed Vakalatnama/Appearance on behalf of Respondent Nos. 2, 5 and 6 respectively. But Counter Affidavit has not been filed. No one has entered appearance on behalf of Respondent Nos. 1, 3, 4 and 7 though served with notice by way of registered A.D and dasti.

Service is complete.

CIVIL APPEAL NOS. 9714 OF 2013

There are five Respondents in this matter. M/s. Merusagar Samantray, Arvind Kumar Sharma and Nirnimesh Dube, Advocates have filed

Vakalatnama/Appearance on behalf of Respondent Nos. 1, 2 to 4, and 5 respectively. Counter Affidavit has not been filed.

Service of notice is complete.

CIVIL APPEAL NOS. 9715 OF 2013

There are eleven Respondents in this matter. Ms. Jyoti Mendiratta and M/s. Nirnimesh Dube and Merusagar Samantray, Advocates have filed Vakalatnama/Appearance on behalf of Respondent Nos. 1, 6 and 7 respectively. Counter Affidavit has been filed by Respondent No. 1. No one has entered appearance on behalf of Respondent Nos. 2 to 5, 8, 9 and 11 though served with notice by way of registered A.D. and dasti.

The counsel for the appellant has filed proof of service stating therein that show cause notice has been served on Respondent No. 10 but no one has entered appearance on his behalf so far.

Service is complete.

CIVIL APPEAL NOS. 9716 OF 2013

There are eight Respondents in this matter. Ms. Jyoti Mendiratta and M/s. Nirnimesh Dube, Merusagar Samantray and Arvind Kumar, Advocates have filed Vakalatnama/Appearance on behalf of Respondent Nos. 5, 6, 7 and 8 respectively. Counter Affidavit has been filed by Respondent No. 5. A.D. cards duly signed have been received back from Respondent Nos. 1 to 4, but no one has entered appearance on behalf of them so far.

Service is complete.

CIVIL APPEAL NOS. 9717 OF 2013

There are five Respondents in this matter. M/s. Merusagar Samantray, Arvind Kumar Sharma and Nirnimesh Dube, Advocates have filed Vakalatnama/Appearance on behalf of Respondent Nos. 1, 2 to 4 and 5 respectively. Counter Affidavit has not been filed.

Service is complete.

CIVIL APPEAL NOS. 9718 OF 2013

There are five Respondents in this matter. M/s. Merusagar Samantray, Arvind Kumar Sharma and Nirnimesh Dube, Advocates have filed

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Vakalatnama/Appearance on behalf of Respondent Nos. 1, 2 to 4 and 5 respectively. Counter Affidavit has not been filed.

Service is complete.

CIVIL APPEAL NO. 9711 OF 2013

There are eight Respondents in this matter. Ms. Jyoti Mendiratta, M/s. Nirnimesh Dube, and Merusagar Samantray, Advocates have filed Vakalatnama/Appearance on behalf of Respondent Nos. 5, 6 and 7 respectively. No one has entered appearance on behalf of Respondent Nos. 1, 2 to 4 and 8 though served with notice by way of registered A.D. and dasti.

Service is complete.

CIVIL APPEAL NO. 9712 OF 2013

There are three Respondents in this matter. M/s. Nirnimesh Dube, Merusagar Samantray and Arvind Kumar Sharma, Advocates have filed Vakalatnama/Appearance on behalf of Respondent Nos. 1, 2 and 3 respectively. Counter Affidavit has not been filed.

Service is complete.

CIVIL APPEAL NO. 9710 OF 2013

There are eight Respondents in this matter. M/s. Nirnimesh Dube, Karanjawla and Co. Abhishek and Arvind Kumar Sharma, Advocates have filed Vakalatnama/Appearance on behalf of Respondent Nos. 1,3,7 and 8 respectively. A. D. card duly signed has been received back from Respondent No. 4 but no one has entered appearance on behalf of him so far. Neither A.D. cards nor unserved covers have been received back from Respondent Nos. 2, 5 and 6.

It is further submitted that Respondent No. 2 is same as Respondent No. 7 in Civil Appeal No. 9336 of 2013 represented through Mr. Merusagar Samantaray, Advocate. Respondent Nos. 5 & 6 are appellant in Civil Appeal No. 9715 of 2013 and represented through Mr. N. Ganapathy, Advocate.

Service is may be treated as complete.

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CIVIL APPEAL NO. 9713 OF 2013

There are three Respondents in this matter. Neither A. D. cards nor unserved covers have been received back from all the Respondents. The said Respondents are common Respondents in Civil Appeal No. 9712 of 2013 and are represented through their respective Advocates i.e. Mr. Nirnimesh Dube, Mr. Abhishek and Mr. Arvind Kumar Sharma respectively.

Hence the service may be treated as complete.

Statement of case has not been filed by both the parties in all the matters.

CIVIL APPEAL NO. 5662 OF 2014

The SLP (C) No. 39779 of 2013 was listed before the Hon'ble Court on 09.05.2014, when the Court was pleaed to pass the follwing order:

" Leave granted.

Status-quo, as obtaining today, shall be maintained by all parties during the pendency of appeal.

Connect with Civil Appeal No. 9336 of 2013."

It is submitted that there are twelve respondents in the matter above-mentioned. Respondent No.1 is represented through Ms Jyoti Mendiratta, Advocate. Respondent Nos. 4 to 9 are served through High Court but no one has filed vakalatnama/Appearance on their behalf so far. Inspite of this Registry's letter dated 31st August, 2015, Counsel for the Appellant has not furnished the latest and correct address of Respondent Nos. 2,3 and 10 to 12 so far.

Service is not complete on behalf of Respondent Nos. 2,3 and 10 to 12.

CIVIL APPEAL NO.6825 OF 2014

The SLP (C) No. 8174 of 2014 was listed before the Hon'ble Court on 21.07.2014, when the Court was pleaed to pass the follwing order:

" **Leave granted.**

Connect with Civil Appeal No. 9713 of 2013."

It is submitted that there are eight respondents in the matter above-mentioned and the all the eight Respondents are served through High Court but no one has filed Vakalatnama/Appearance on their behalf so far.

Service is complete.

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The matters along-with applications in the matter above-mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 3rd day of February, 2016.

ASSISTANT REGISTRAR

Copy to:

M/s KARANJAWALA & CO, ADVOCATES
Ms JYOTI MENDIRATTA, ADVOCATE
Mr.MERUSAGAR SAMANTRAY, ADVOCATE
Mr. T. MAHIPAL, ADVOCATE
Mr.E. C. AGRAWALA, ADVOCATE
Mr.N. GANPATHY, ADVOCATE
Mr. SURESH A. SHROFF & CO., ADVOCATES
Mr. NIRNINESH DUBE, ADVOCATE
Mr.ARVIND KUMAR SHARMA, ADVOCATE

ASSISTANT REGISTRAR

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