

Listed on 3.12.2013  
Court No. 4  
Item NO. 104

**SECTION XII**

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1021-1026, 1027-1032, 1033-1038, 1039-1044  
and 1045-1050 of 2013.

WITH

INTERLOCUTORY APPLICATION NOS. 25-30

(Applications for substitution of Legal Representative of deceased common Respondent No. 2 in Civil Appeal Nos.1021-1022 of 2013 and Respondent No. 5 in Civil Appeal Nos. 1023-1026 of 2013)

AND

INTERLOCUTORY APPLICATION NOS. 31-36 in Civil Appeal Nos.  
1021-1026 of 2013

(Application for taking on record the additional documents)

AND

INTERLOCUTORY APPLICATION NOS. 37-42

(Applications for substitution of Legal Representative of deceased common Respondent No. 23 in Civil Appeal Nos.1021-1022 of 2013 and Respondent No. 26 in Civil Appeal Nos. 1023 and 1026 of 2013)

AND

INTERLOCUTORY APPLICATION NOS. 43-48 IN CIVIL APPEAL NOS.  
1021-1026 OF 2013

(Applications for condonation of delay in filing Substitution application)

AND

INTERLOCUTORY APPLICATION NOS. 19-24.

(Applications for substitution of Legal Representative of deceased common Respondent No. 2 in Civil Appeal Nos.1027-1028 of 2013 and Respondent No. 5 in Civil Appeal Nos. 1029-1032 of 2013)

WITH

INTERLOCUTORY APPLICATION NOS. 25-30

(Applications for substitution of Legal Representative of deceased common Respondent No. 23 in Civil Appeal Nos.1027-1028 of 2013 and Respondent No. 26 in Civil Appeal Nos. 1029-1032 of 2013)

AND

INTERLOCUTORY APPLICATION NOS. 31-36 IN CIVIL APPEAL NOS.  
1027-1032 OF 2013

(Application for condonation of delay in filing Substitution application)

WITH

INTERLOCUTORY APPLICATION NOS. 19-24

(Applications for substitution of Legal Representative of deceased common Respondent No. 2 in Civil Appeal Nos.1033-1034 of 2013 and Respondent No. 5 in Civil Appeal Nos. 1035 and 1037 of 2013 and Respondent No. 6 in Civil Appeal No. 1038 of 2013)

AND

INTERLOCUTORY APPLICATION NOS. 25-30 IN CIVIL APPEAL NOS. 1033-1038 OF 2013

(Applications for condonation of delay in filing Substitution application)

AND

INTERLOCUTORY APPLICATION NOS. 31-36

(Applications for substitution of Legal Representative of deceased common Respondent No. 22 in Civil Appeal Nos.1033-1034 of 2013 and Respondent No. 25 in Civil Appeal Nos. 1035 and 1038 of 2013)

AND

INTERLOCUTORY APPLICATION NOS. 37-42 IN CIVIL APPEAL NOS. 1033-1038 OF 2013

(Applications for condonation of delay in filing Substitution application)

WITH

INTERLOCUTORY APPLICATION NOS. 19-24.

(Applications for substitution of Legal Representative of deceased Respondent No. 2 in Civil Appeal Nos. 1039-1044 of 2013)

AND

INTERLOCUTORY APPLICATION NOS. 25-30.

(Applications for substitution of Legal Representative of deceased Respondent No. 26 in Civil Appeal Nos. 1039-1044 of 2013)

WITH

INTERLOCUTORY APPLICATION NOS. 31-36

(Applications for substitution of Legal Representative of deceased common Respondent No. 1 in Civil Appeal No. 1045-1046 of 2013, Respondent No. 4 in Civil Appeal No. 1047-1048 of 2013, Respondent No.6 in Civil Appeal No. 1049 of 2013 and Respondent No. 8 in Civil Appeal No.1050 of 2013)

AND

INTERLOCUTORY APPLICATION NOS. 37-42 IN CIVIL APPEAL NOS. 1045-1050 OF 2013

(Applications for condonation of delay in filing Substitution application)

V. Kalyanaswamy (dead) by LRs.& Anr. etc.

...Appellants

Versus

L. Bakthavatsalam (dead) by LRs. & Ors. etc. ...Respondents  
...3/-

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**OFFICE REPORT**

The matters above-mentioned were listed before the Hon'ble Court on 25th July, 2013 when the Hon'ble Court was pleased to pass the following order:-

**"Issue notice on appln. For condonation of delay in filing substitution application and all the applications for substitution returnable in four weeks.**

**Learned counsel appearing for respondents may take instructions and file vakalatnama on behalf of the LRs. of deceased respondents within a period of four weeks.**

**List the matters after eight weeks."**

AND thereafter, matters above-mentioned were listed before the Hon'ble Court on 3<sup>rd</sup> October, 2013 when the Hon'ble Court was pleased to pass the following order:-

**"Office report may be complied within eight weeks. List thereafter."**

**CIVIL APPEAL NOS.1021-1026 OF 2013**

Accordingly notice has been issued to the Proposed Legal Representative of deceased common Respondent No. 2 in Civil Appeal Nos.1021-1022 of 2013 and Respondent No. 5 in Civil Appeal Nos. 1023-1026 of 2013 on 9th September, 2013. Mr. B. Balachandran, Advocate has filed vakalatnama/ memo appearance on behalf of the above-mentioned Legal Representatives Respondent.

It is submitted that Mr. V. Balachandra, Advocate for the Respondent has on 22nd August, 2013 filed Application for taking on record the additional documents and the same is

registered as Interlocutory Application Nos. 31-36 and the same is placed with the appeal paper books.

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It is further submitted that Mr. Vijay Kumar, Advocate, for the Appellant has on 13th September, 2013 filed Applications for substitution of Legal Representative of deceased common Respondent No. 23 in Civil Appeal Nos.1021-1022 of 2013 and Respondent No. 26 in Civil Appeal Nos. 1023 and 1026 of 2013 applications for substitution of Legal Representative of deceased common Respondent No. 2 in Civil Appeal Nos. 1021-1022 of 2013, Respondent NO. 5 in Civil Appeal Nos. 1023-1026 of 2013 and the same is barred by time by 88 days and counsel has also filed condonation of delay in filing substitution application and the same is Registered as Interlocutory Application Nos. 37-42 and 43-48 respectively and the copies of the same is placed with the Appeal paper books.

**CIVIL APPEAL NOS.1027-1032 OF 2013**

Pursuant to court order dated 25th July,2013, accordingly notice has been issued to the Proposed Legal Representative of deceased common Respondent No. 2 in Civil Appeal Nos.1027-1028 of 2013 and Respondent No. 5 in Civil Appeal Nos. 1029-1032 of 2013 Legal Representative of deceased common Respondent No. 2 in Civil Appeal Nos.1021-1022 of 2013 and Respondent No. 5 in Civil Appeal Nos. 1023-1026 of 2013 on 9th September, 2013. Mr. V. Balachandran, Advocate has filed vakalatnama/ memo appearance on behalf of the above-mentioned Legal Representatives Respondent in the main matter as the Legal Representatives are common in all

the matters.

It is further submitted that Mr. Ramesh N. Keswani, Advocate, for the Appellant has on 16th September, 2013 filed Applications for substitution of Legal Representative of  
...5/-

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deceased common Respondent No. 23 in Civil Appeal Nos.1027-1028 of 2013 and Respondent No. 26 in Civil Appeal Nos. 1029-1032 of 2013 and the same is barred by time by 91 days and counsel has also filed condonation of delay in filing substitution application and the same is Registered as Interlocutory Application Nos. 25-30 and 31-36 respectively and the copies of the same is placed with the Appeal paper books.

**CIVIL APPEAL NOS.1033-1038 OF 2013**

Pursuant to court order dated 25th July,2013, accordingly notice has been issued to the Proposed Legal Representative of deceased common Respondent No. 2 in Civil Appeal Nos.1033-1034 of 2013, Respondent No. 5 in Civil Appeal Nos. 1035 and 1037 of 2013 and Respondent No. 6 in Civil Appeal No. 1038 of 2013 on 9th September, 2013. Mr. V. Balachandran, Advocate has filed vakalatnama/memo appearance on behalf of the above-mentioned Legal Representatives Respondent in the main matter as the Legal Representatives are common in all the matters.

It is submitted that Mr. Shiv Prakash Pandey, Advocate, for the Appellant has on 3rd June, 2013 filed applications for substitution of Legal Representative of deceased common Respondent No. 2 in Civil Appeal Nos. 1033-1038 of 2013, Respondent NO. 5 in C.A. Nos. 1035-1037 of 2013, Respondent No. 6 in Civil Appeal No. 1038 of 2013 and the same is barred

by time by two days and counsel is also filed Application for condonation of delay in filing Substitution application and the same is Registered as Interlocutory Application Nos. 19-24 and 25-30 respectively and copy of the same is placed with the Appeal paper books.

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It is further submitted that Mr. Shiv Prakash Pandey, Advocate, for the Appellant has on 16th September, 2013 filed applications for substitution of Legal Representative of deceased common Respondent No. 22 in Civil Appeal Nos. 1033-1034 of 2013 and Respondent NO. 25 in Civil Appeal Nos. 1035-1038 of 2013 and the same is barred by time by 91 days and counsel is also filed Application for condonation of delay in filing Substitution application and the same is Registered as Interlocutory Application Nos. 31-36 and 37-42 respectively and copy of the same is placed with the Appeal paper books.

**CIVIL APPEAL NOS.1039-1044 OF 2013**

Pursuant to court order dated 25th July,2013, accordingly notice has been issued to the Proposed Legal Representative of deceased common Respondent No. 2 in Civil Appeal Nos.1039-1040 of 2013 on 9th September, 2013. Neither A.D. Cards nor unserved covers have been received back from the said Respondents.

It is submitted that Notice could not be issued on Interlocutory Application Nos. 19-24 (Applications for substitution of Legal Representative of deceased Respondent No. 2 in Civil Appeal Nos. 1039-1044 of 2013) has counsel for the appellant has not clarify the name of Legal Representative of Legal Representatives Respondent Nos. 1 and 5 Late Niramala Rajarejeshwari and Late L. Rajendran despite

this Registry's Request dated 7th September, 2013.

It is further submitted that Mr. Subramonium Prasad, Advocate, for the Appellant has on 16<sup>th</sup> September, 2013 filed **applications for substitution of Legal Representative of**

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**deceased common Respondent No. 2 in Civil Appeal Nos. 1039-1040 of 2013, Respondent No. 3 in Civil Appeal Nos. 1041-1042 of 2013, Respondent No. 4 in Civil Appeal No. 1043 of 2013 and Respondent No. 6 in Civil Appeal No. 1044 of 2013 and the same is defective for the following reasons:-**

1. Counsel has not served the copy of the said application on all advocates for the Respondents.
2. The same is barred by time by 107 days and Counsel has not filed application for condonation of delay in filing the same.
3. Death Certificate has not been enclosed in the said application.
4. Copies of Notice of Motion has not been filed.

But Counsel for the appellant has not cured the aforesaid defects Registry's request. Hence, application for substitution could not be circulated to the Hon'ble Court.

**CIVIL APPEAL NOS.1045-1050 OF 2013**

Pursuant to court order dated 25th July, 2013, accordingly notice has been issued to the Proposed Legal Representative of deceased common Respondent No. 1 in Civil Appeal Nos. 1045-1046 of 2013, Respondent No. 4 in Civil Appeal Nos. 1047-1048 of 2013, Respondent No.6 in Civil Appeal Nos. 1049 of 2013. common Respondent No. 8 in Civil

Appeal Nos.1050 of 2013 on 9th September, 2013. Neither A.D. Cards nor unserved covers have been received back from the said Respondents but Mr. B. Balachandran, Advocate has filed vakalatnama/ memo appearance on behalf of the above-mentioned Legal Representatives Respondent in Civil Appeal Nos. 1021-1026 of 2013 that is the main matters.

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It is submitted that Mr. V.N. Raghupathi, Advocate for the Appellants has on 9<sup>th</sup> November, 2013 filed applications for substitution of Legal Representative of deceased common Appellant No. 16 in Civil Appeal No. 1045 of 2013, and Appellant No. 12 in Civil Appeal No. 1046-1050 of 2013 and the same is barred by time by 146 days and counsel has also filed condonation of delay in filing substitution application and the same is defective for the following reasons:-

1. Counsel has not served the copy of the said application on all advocates for the Respondents except Mr. V. Balachandran, Advocate for respondent.
2. Original death certificate and translated copy of the same has not been enclosed in the said application.
3. He has not filed vakalat and appearance on behalf of proposed Legal Representative of deceased appellant.

But Counsel for the appellant has not cured the aforesaid defects Registry's request. Hence, application for substitution could not be circulated to the Hon'ble Court.

It is further submitted that Service of all the matters are complete except proposed Legal Representatives of deceased Respondent namely N. Muralidharan and L. Jagannath in all the matters.

It is lastly submitted that original record has been

received from the High Court in the main matters i.e. C.A. Nos. 1021-1026 of 2013 but Trial Court records is still awaited in all the matters.

The matters alongwith applications above-mentioned are listed before the Hon'ble Court with this office report.

Dated this, the 2<sup>nd</sup> day of December, 2013.

ASSISTANT REGISTRAR

COPY TO:

- 1.Mr. Vijay Kumar, Advocate.
- 2.Mr. V.K. Sidharathan, Advocate.
- 3.Mr. S. Prasad, Advocate.
- 4.Mr. V. Balachandran, Advocate.
- 5.Mr. V.N. Raghupathy, Advocate.
- 6.Mr. Ramesh N. Keswani, Advocate.
- 7.Mr. K. K. Mani, Advocate.
- 8.Ms. Srikala Gurukrishna Kumar, Advocate.
- 9.Ms. Prabha Swami, Advocate.
- 10.Mr. Tushar Bakshi, Advocate.

ASSISTANT REGISTRAR

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