

LISTED ON: 19.07.2016
COURT NO. 02
ITEM NO. 01

SECTION XII-A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(C) NOS. 3149 of 2007.

AND

INTERLOCUTORY APPLICATION NO.4 OF 2012 in SLP No. 3149 of 2007

(Application for Status-quo)

AND

INTERLOCUTORY APPLICATION No. 5 & 6

(Application for substitution to bring on record LRS of deceased Respondent No.1 and condonation of delay in filing substitution application)

AND

INTERLOCUTORY APPLICATION No. 8

(Application for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION NO.

(Application for substitution to bring on record Lrs. of deceased of Respondent No. 2 alongwith application for condonation of delay in filing substitution application.)

EDLA TULASI BAI

..PETITIONER

-VERSUS-

UMAPATHY REDDY (DEAD) & ORS.

..RESPONDENTS

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 12th February, 2007, when the Hon'ble Court was pleased to pass the following Order:-

“Delay condoned.
Issue notice.
Tag with SLP (C) No.11754/2006.”

Subsequently the matter was listed alongwith connected matter SLP(C) 11754 of 2006 on 22nd July, 2013, when the Hon'ble Court was pleased to pass the following Order:

“SLP(C) No. 11754 of 2006
Dismissed.

SLP(C) NO. 3149 of 2007

List next week.”

Subsequently, the matter was again listed before the Court on 29th July, 2013, when the Hon'ble Court was pleased to pass the following order:

“Learned counsel for the petitioner is permitted to serve on the LRs of the deceased respondent no.1 within two weeks' time finally.

Dasti, in addition, is permitted.”

Again the matter was listed before the Registrar Court on 10th January, 2014 and 25th February, 2014, when he was pleased to pass the following order:

10/01/2014:

“The Id. Counsel for the petitioner is present.

None for the respondents.

What gets revealed from the perusal of the office report is that the unserved covers containing notices to the legal representative Nos. 2 and 3 of the deceased respondent No.1 have been received back with the postal remarks “addressee refused no such addressee in the door number” The Id. Counsel for the petitioner is directed to file the fresh particulars and the requisites for the service of the notice to the said respondent within a weeks time whereafter appropriate steps shall be taken by the registry. Dasti in addition is permitted to be served.

The served respondents may file the counter affidavit before the next date in case they choose to do so.

List again on 25.2.2014.”

25/02/2014:

“Await return of notice of the unserved respondents.

List the matter on 1.04.2014.”

It is submitted to the Hon'ble Court that counsel for the petitioner has on 18th July, 2016 filed application for substitution to bring on record Lrs. of deceased Respondent No. 2 alongwith application for condonation of delay in filing substitution application as there is delay of 28 days in filing substitution application but the said application is defective as counsel for the petitioner has not filed death certificate of deceased Respondent No. 2 alongwith above-mentioned application. The unregistered application is placed before the Hon'ble Court's kind perusal.

It is further submitted that there are 3 Respondents in the matter. A.D. card duly signed has been received in respect of respondent no.3, but no one has entered appearance so far.

It is further submitted that Respondent No. 1 has since dead. Notice on the Application for Substitution to bring on record the 9 proposed lrs.of deceased Respondent no.1 Viz. Bellala Umapathi Reddy and application for condonation of delay was issued on 3rd August, 2013 and Service is complete on Lr. Nos. 4 and 7 of deceased Respondent No. 1 through A.D. Card. Service is complete on Lr. Nos. 5(a) to 5(c) of deceased Respondent No. 1 through proof of dasti. Service is complete on Lr. Nos. 1, 2, 3 and 6 through affidavit of paper publication in two newspapers (Sakshi Telugu Newspaper & Deccan Chronicle English Newspaper) but no one has entered appearance on behalf of all lrs. of deceased Respondent No. 1.

It is also submitted that counsel for the petitioner has on 20th February, 2015 filed a letter for acceptance of publication in the newspaper "Hans India" in place of Deccan Chronicle. (A copy of letter is enclosed herewith).

It is further submitted that Mr. Naresh Kumar, erstwhile counsel has on 29th March, 2011 filed an application for status quo with affidavit and annexures praying to grant status quo in respect of the properties mentioned in Schedule A to E of Judgment and the same is registered as I.A. No.4 and is already included in Paper Books.

It is further submitted that Mr. Sudhanshu S. Choudhuri, Counsel for the Petitioner has on 16th August, 2013 filed application for permission to file additional documents and the same is registered as I.A. No. 8 and is already included in Paper Books.

Service is complete.

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

Dated this, the 18th day of July, 2016.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. Sudhanshu S. Choudhari, Advocate
2. Mr. V. N. Raghupathy, Advocate

ASSISTANT REGISTRAR