

LISTED ON: 27.10.2015

BEFORE COURT NO: 5

ITEM NO: 101

SECTION-XIV

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. 3152-3154, 3155, 3156 & 3158-3160/2009,  
SLP(C) Nos. 8710/09, 14361/09, 19750/2011

With

INTERLOCUTORY APPLICATION NOS. 10-12

(Applications for impleadment in C.A.No. 3152-54/09)

with

INTERLOCUTORY APPLICATION NO. 5

(Applications for impleadment in SLP No.8710/09)

With

INTERLOCUTORY APPLICATION NOS.6

(Application for directions in SLP No.8710/09)

With

INTERLOCUTORY APPLICATION NOS.7

(Application for intervention in SLP No.8710/09)

With

INTERLOCUTORY APPLICATION NO.1

(Application for direction for detagging the matter from Civil Appeal No. 3152-3154/2009 in SLP (C) No. 14361 of 2009)

With

INTERLOCUTORY APPLICATION NOS. 7-9

(Applications for impleadment in C.A.No. 3158-60/09 filed by Mr. D. B. Vohra, Adv.)

With

INTERLOCUTORY APPLICATION NO. \_\_\_\_\_

(Applications for impleadment in SLP(C) Nos. 8710/09 filed by Mr. Himinder Lal, Adv.)

With

INTERLOCUTORY APPLICATION NO. 1

(Applications for impleadment in SLP(C) Nos. 14361/09 filed by Mr. Himinder Lal, Adv.)

NARAIN SINGH CHAUDHARY ETC.

...APPELLANTS

VERSUS

RAM SWAROOP GUPTA & ORS. ETC.

...RESPONDENTS

OFFICE REPORT

It is submitted that the matters alongwith applications above-mentioned were listed before the Hon'ble Court on 02.09.2015 when the Court was pleased to pass the following Order : -

**Let the matters be listed on 27th October, 2015.**

**It is hereby made clear that no further adjournment shall be granted.**

...2/-

**Service Position is as follows:-**

**CIVIL APPEAL NO. 3152-3154/2009**

It is submitted that there are 20 respondents in these appeals. Service of Notice of Lodgment of Petition of Appeal is complete on all of them. Respondent Nos. 6, 10 to 12 are represented by Mr. Anil Nag, Adv. Respondent Nos. 13 & 14 are represented by Mr. Naresh Kumar Sharma, Adv. Respondent No. 15 is represented by Mr.D.S. Mahra, Adv. Respondent No. 16 is represented by Ms. Promila, Advocate and respondent Nos. 18 & 19 are represented by Mr. Rajeev Kumar Bansal, Adv. No one has entered appearance on behalf of Respondent Nos. 1 to 5, 7 to 9, 17 & 20 though served at SLP stage.

Service is complete.

**Civil Appeal No. 3155 of 2009**

There are 8 respondents in this appeal. Service of Notice of Lodgment of Petition of Appeal is complete on all of them. Respondent Nos. 1 & 2 are represented by Mr. Balraj Dewan, Adv. Respondent Nos. 3 & 4 are represented by Mr. Naresh Kumar Sharma, Adv. Respondent No. 5 is represented by Mr.D.S. Mahra, Adv. and Respondent No. 8 is represented by Mr. Ashok K. Mahajan, Adv. but no one has entered appearance on behalf of Respondent Nos. 6 & 7 though served at SLP stage.

Service is complete.

**Civil Appeal No. 3156 of 2009**

There are 17 respondents in this appeal. Service of Notice of Lodgment of Petition of Appeal is complete on all of them. Respondent Nos. 1, 2 & 10 to 14 are represented by Mr. Naresh Kumar Sharma, Adv. Respondent No. 15 is represented by Mr. D.S. Mahra, Adv. but no one has entered appearance on behalf of Respondent Nos. 3 to 9, 16 & 17 who are common respondents as in main Civil appeal Nos. 3152-3154 of 2009 though served at SLP stage.

Service is complete.

**Civil Appeal Nos. 3158-3160 of 2009**

There are 23 respondents in this appeal. Service of Notice of Lodgment of Petition of Appeal is complete on all

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of them. Respondent Nos. 1, 2 & 10 to 12 are represented by Mr. Anil Nag, Advocate. Respondent Nos. 13 and 14 are represented by Mr. Naresh Kumar Sharma, Adv. Respondent No. 15 is represented by Mr. D.S. Mahra, Adv. and Respondent Nos. 18 & 19 are represented by Mr. Rajeev Kumar Bansal, Adv. but no one has entered appearance on behalf of Respondent Nos. 3 to 9, 16 & 17 and 20 to 23 though served at SLP stage.

Service is complete.

It is submitted that counsel for the appellant in Civil Appeal Nos. 3152-54/2009 and 3158-60/2009, counsel for respondent nos. 1 & 2 in Civil Appeal No. 3155/2009 and Mr. Anil Nag, counsel for Respondent Nos. 1,2 and 10 to 12 in Civil Appeal Nos. 3158-60/2009 have filed statement of case.

Mr. Anil Nag, Advocate, for respondent Nos. 6, 10 to 12 in Civil Appeal Nos. 3152-54/2009, and Respondent Nos. 1, 2, 10 to 14 in Civil Appeal Nos. 3156/2009 has filed a letter stating therein to adopt the same statement of case as filed by him in Civil Appeal No. 3158-60/2009.

It is further submitted that for non filing of statement of case by the counsel for the appellant in Civil Appeal No. 3156/2009 and counsel for rest of the respondents in all the appeals, the appeals above mentioned were listed before the Hon'ble Judge in Chambers on 13.1.2014, when His Lordship was pleased to pass the following order:

**"Last opportunity is granted to the appellant to file statement of case within four weeks in CA.No.3156/2009.**

**Learned counsel for the respondents states that he adopts the statement of case filed in CA.Nos.3158-3160 of 2009."**

It is further submitted that counsel for the appellant in Civil Appeal No. 3156/2009 has on 29.1.2014 filed statement of case and the same has been placed with appeal paper books. Counsel for rest of the respondents in all the appeals have not filed statement of case so far.

..4/-

It is further submitted that notice for alternative arrangement to the applicant in I.A. No. 7-9 (Applications for impleadment) in C.A.No. 3158-60/09 has been issued by registered A.D. on 26.09.2015 as the erstwhile advocate Mr. D. B. Vohra has since expired but neither AD Card nor unserved envelope has been received so far.

Service of notice for alternative arrangement to the applicant in C.A. No. 3158-60/09 is not complete.

**SLP(C) No.8710/2009**

The matter was lastly listed before the Hon'ble Court on 21.8.2012 when the following order was passed:-

**"List the application along with the main matter."**

It is submitted that Mr. Himinder Lal, Advocate has filed application for impleadment (Regd. as I.A.No.5) and the same has been included in SLP paper books.

It is further submitted that Mr. Balraj Dewan, Advocate has filed application for direction for detagging the matter from Civil Appeal No. 3152-3154/2009 (Regd. as I.A.No.6) and the same has been included in SLP paper books.

It is further submitted that Mr. B.Y.Kulkarni, Advocate has on 13.7.2013 filed application for intervention (Regd. as I.A.No.7) and the same has been included in SLP paper books.

It is further submitted that Mr. Himinder Lal, Advocate has filed application for impleadment with serving its copy to the other side (unregistered) and the same has been placed with SLP paper books.

It is further submitted that Mr. Himinder Lal, Advocate has filed contempt petition against shri Parthasarathi Mitra and etc. for disobeying the court's Order dated 16.03.2009 (unregistered) and the same has been placed with SLP paper books.

Service is already complete.

**SLP(C) No. 14361 of 2009**

The application in the matter above mentioned was listed before the Hon'ble Court on 15.04.2014 when the Court was pleased to pass the following order:-

"Learned counsel appearing for the applicants, on instructions, seeks permission of this Court to withdraw this application with liberty to file a contempt petition.

Permission sought for is granted.

I.A.No.2 is disposed of as withdrawn with liberty to file a contempt petition, if the respondents/applicants so desire."

It is submitted that Mr. Himinder Lal, Advocate has filed application for direction for detagging the matter from Civil Appeal No. 3152-3154/2009 (Regd. as I.A.No.1) and the same has been included in SLP paper books.

It is further submitted that Mr. Himinder Lal, Advocate has filed application for impleadment and the same is registered as I. A. No. 3 and the same has been placed with SLP paper books.

It is further submitted that Mr. Himinder Lal, Advocate has filed contempt petition against shri Parthasarathi Mitra and etc. for disobeying the court's Order dated 16.03.2009 (unregistered) and the same has been placed with SLP paper books.

Service is complete.

**SLP (C) No.19750/2011**

Pursuant to this Court's order dated 1.8.2011, show cause notice was issued to all the 6 respondents by Regd. A.D. on 24.8.2011, Mr. Naresh Kr. Sharma, Advocate has on 21.9.2011 filed vakalatnama/appearance on behalf of Respondent Nos.1 & 2 but has not filed counter affidavit. Nothing has been received from respondent Nos. 3 to 6.

For non-filing of counter affidavit by the counsel appearing for respondent Nos.1 & 2 and for non-completion of service in respect of respondent Nos.3 to 6, fresh show cause notice through concerned District Court was issued to unserved respondent Nos.3 to 6 vide Id. Registrar Court's order dated 30.7.2012. Service report duly served on respondent Nos.3 to 6 has been received from concerned District Court but none has filed vakalatnama/appearance so far.

The matter was lastly listed before ld. Registrar Court on 10.04.2013 when the following order was passed:-

"In all there are six respondents.

Respondent Nos.1 and 2 have failed to file counter affidavit within the time granted by the Court.

Respondent Nos.3 to 6 are reported to be duly and properly served through post and the concerned District Court but none appeared nor any steps have been taken on their behalf.

No further steps required.

The matter be processed for listing before the Hon'ble Court, as per rules."

It is submitted that counsel appearing for Respondent Nos. 1 & 2 has not filed counter affidavit and no one has filed vakalatnama/appearance on behalf of respondent Nos.3 to 6 though served through District Court.

Service is complete.

The appeals alongwith applications above mentioned are listed before the Hon'ble Court with this Office Report for directions.

DATED THIS THE 26<sup>th</sup> DAY OF OCTOBER, 2015.

**ASSISTANT REGISTRAR**

**Copy to:-**

1. Mr. Ashok K. Mahajan, Advocate
2. Mr. Anil Nag, Advocate
3. Mr. Naresh Kumar Sharma, Advocate
4. Mr. B. Y. Kulkarni, Advocate
5. Ms. Promilla, Advocate
6. Mr. Rajiv Kumar Bansal, Advocate
7. Ms. Binu Tamta, Advocate
8. Mr. Balraj Dewan, Advocate
9. Ms. Pragati Neekhara, Advocate

**ASSISTANT REGISTRAR**