

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 & C.A. No. 657/2016

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 26.11.2015 with Office Report dated 26.10.2015 when the Court was pleased to pass the following Order : -

"Hearing resumed.

Put up for further hearing on 28.01.2016."

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 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.

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 of applicant namely Mr. R. K. Kaushal & Ors. without serving its copy to the other side and the same as unregistered has been placed with SLP paper books. He has also filed contempt petition on behalf of applicants Mr. Ravi Kant Kaushal against Shri Parthasarathi Mitra etc. for disobeying this Court's Order dated 16.03.2009 (unregistered) and the same has been placed with SLP paper books. Now Mr. Himinder Lal, Advocate for applicant has on 02.03.2016 filed a letter for withdrawal of above Contempt

Petition alongwith a letter of applicant and the copy of same has been enclosed.

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 he has also filed contempt petition on behalf of applicant Mr. Ravi Kant Kaushal & Ors. against Shri Parthasarathi Mitra etc. for disobeying this Court's Order dated 16.03.2009 in SLP(C) No. 8710 of 2009 (unregistered) and the same has been placed with SLP paper books. Now Mr. Himinder Lal, Advocate for applicant has on 02.03.2016 filed a letter for withdrawal of above Contempt Petition alongwith a letter of applicant and the copy of same has been enclosed.

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 Ld. 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.

C.A. No. 657/2016:-

It is submitted that SLP(C) No. 2945/2016 (now converted to C.A. No. 657/2016) was listed before the Hon'ble Court on 29.01.2016, when the Court was pleased to pass the following order:-

"Delay condoned.

Leave granted.

Tag with Civil Appeal No(s).3152-3154 of 2009."

As directed above, the matter has been tagged with C.A. Nos. 3152-54/2009.

It is further submitted that there is sole respondent in C.A. No. 657/2016. Certificate of service in respect of sole respondent is awaited from the High Court.

Service is not complete on the sole respondent in C.A. No. 657/2016 so far.

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

DATED THIS THE 8th DAY OF MARCH, 2016.

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 Neekhra, Advocate
10. Mr. Himinder Lal, Advocate.

ASSISTANT REGISTRAR