

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**SECTION XVI-A**

Listed on :  
Court No. :  
Item No.:-

**INTERLOCUTORY APPLICATION NOS. 1-2 OF 2017**

(Application for permission to bring on record legal representative of deceased Appellant No. 1.)

**AND**

**INTERLOCUTORY APPLICATION NOS. 3-4 OF 2017**

(Application for condonation of delay in filing the application to bring on LR's of deceased Appellant No. 1.)

**AND**

**INTERLOCUTORY APPLICATION NOS. 5-6 OF 2017**

(Application for setting aside abatement.)

**WITH**

**CIVIL APPEAL NOS. 2195-2196 OF 2009**

**KISHORI LAL AND ANR.**

**...Appellants**

**VERSUS**

**MADAN GOPAL (D) BY LRS. AND ORS.**

**...Respondents**

**OFFICE REPORT**

These are the appeals by Special Leave Petition granted by this Hon'ble Court on 2<sup>nd</sup> April, 2009 against the Judgment and Order dated 17<sup>th</sup> November, 2006 of the High Court of Jammu and Kashmir in Civil Second Appeal Nos. 19 of 1988 and 20/1988

There are six common respondents in Civil Appeal No. 2195/2009 and 2196/2009 and Respondent Nos. 1 to 4 are contesting Respondents and Respondent Nos. 5 & 6 are proforma Respondents. Respondent Nos. 1 and 5 are reported to be dead and proposed L.Rs. Nos. (i) to (xvii) and Respondent No. 5(i) to 5(iv) have been brought on record and L.Rs. 1(ii) namely Mohinder Prakash has also died and his LRs. No. (ii) (a) (b) & (c) have also been brought on record.

It is submitted that Respondent Nos. 1(i), 1(ii) a & b, 1(iv), 1(v), 1(viii) & 1(xii) are represented through Mr. Anis Ahmed Khan, Advocate and Respondent No. 6 is represented through Mr. Gaurav Agrawal, Advocate.

It is further submitted that Respondent No.1(ii) c, 1(iii), 1(vi-vii), 1(ix-xi), 1(xiii-xvii) and Respondent No. 2 to Respondent No. 5 (I) to (iv) have been served at Special Leave Petition stage but no one has entered appearance on behalf of them.

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It is also submitted that Ms. Purnima Bhat Kak, Advocate has on 29<sup>th</sup> February, 2012 filed statement of case on behalf of the appellants after serving its copy on the other side. Copy of the same has been included in the paper books.

Thereafter the matter was listed before the Hon'ble Judge in Chamber on 21<sup>st</sup> March, 2013 when His Lordship was pleased to pass the following Order:-

**“Three weeks' further time is granted to the respondents for filing statement of case failing which their right to file the same shall stand forfeited. ”**

It is submitted that Counsel for the Respondents have not filed statement of case within the stipulated time granted by the Hon'ble Court's Order quoted as above hence their right to file the same stands forfeited.

It is further submitted that Mr. Santosh Krishnan, Advocate has on 2<sup>nd</sup> January, 2017 filed Vakalatnama and Memo of appearance on behalf of Appellant Nos. 1 and 2. He has also filed the 3 applications (i) Application for permission to bring on record legal representative of deceased Appellant No. 1, (ii) Application for condonation of delay in filing the application to bring on record LR's of deceased Appellant No. 1 and (iii) Application for setting aside abatement on their behalf after serving their copies on the other side. The same have been registered as Interlocutory Application Nos. 1-2 of 2017, 3-4 of 2017 and 5-6 of 2017 respectively. Copy of the same have been included in the paper books.

Service of notice is complete.

The applications in the matter above mentioned are listed before the Hon'ble Judge in Chamber with this Office Report for Orders.

Dated this the 12<sup>th</sup> Day of January, 2017

ASSISTANT REGISTRAR

Copy to

Mr. Santosh Krishnan, Advocate  
Mr. Anis Ahmed Khan, Advocate  
Mr. Gaurav Agrawal, Advocate

ASSISTANT REGISTRAR