

SECTION-IV

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 4897 OF 2006

WITH

INTERLOCUTORY APPLICATION NOS. 7 TO 9

(Application for substitution, Condonation of delay in filing substitution,
Application for setting aside abatement)

WITH

INTERLOCUTORY APPLICATION NO. 10

(Application for deletion of name of Respondent No. 12 from the array of parties)

Ambika Prasad Bakshi

...Appellant

Versus

Prabhu Dayal Mali (Dead) & Ors.

...Respondents

REVISED OFFICE REPORT

The instant appeal is by Special Leave granted by this Court's order dated 06.11.2006.

There are 12 Respondents. Respondent Nos.2 and 3 are represented by Mr A. P. Mohanty, Advocate. Respondent No. 4 has been served with the notice but has not entered appearance, so far. Respondent Nos. 5 to 11 have been impleaded as 'Intervenors/Respondents' and Respondent No. 12 has been impleaded as 'Party Respondent' vide this Court's order dated 03.03.2011 and are represented by Ms. Abha R. Sharma and Mrs. Santosh Singh, Advocates respectively.

It is submitted that Counsel for the Appellant has filed application for substitution alongwith condonation of delay and setting aside abatement to bring on record the Lrs. of deceased Respondent No. 1 and the same were listed before the Hon'ble Court on 03.11.2011, when the Court was pleased to pass the following order:-

“Respondent no.1 is reported to be dead and Interlocutory Applications have been filed for bringing his legal representatives on record and for setting aside abatement.

Let notice of these applications be issued to the proposed legal representatives of the deceased respondent.

Matter be listed after proposed legal heirs of deceased respondent no.1 are served.”

It is further submitted that the Lrs. of deceased Respondent No. 1 has been served but no one has filed vakalatnam/appearance on their behalf, so far.

Service is complete on applications and also in appeal.

Original Record in the Appeal has been returned to the concerned High Court vide Office Order dated 03.12.2014.

Both the parties have not filed Statement of Case.

The matter above-mentioned was listed before the Hon'ble Court on 11.05.2016, when the Court was pleased to pass the following order:-

**"None appears on behalf of Respondent No. 1.
List the matter after summer vacation."**

It is submitted that Ms.Abha R. Sharma, Advocate has on 26.07.2016 filed an application for deletion of name of Respondent No. 12 viz. Dal Chand from the array of parties. The application has been registered as I.A. No. 10. Copy of application has been placed with paper books.

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

Dated this the 26th day of July, 2016.

ASSISTANT REGISTRAR

Copy to:

1. Ms. Namita Choudhary, Advocate
C-303, C. K. Daphtray Block Supreme Court,
New Delhi-1.
2. Mr. A.P. Mohanty, Advocate
8, Darya Ganj, Delhi-2.
3. Ms. Abha R. Sharma, Advocate
114, Lawyers Chambers,
Supreme Court Compound,
New Delhi.
4. Mrs. Santosh Singh, Advocate
269, Hauz Khas, DDA (SFS),
New Delhi-16.

ASSISTANT REGISTRAR