

Listed on 11.9.2013
Before Id. Registrar
Court No. 1
Item No. 9

SECTION: XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (C) Nos. 11805, 11806,
11807, 11808, 7376, 17513, 11539/2009, 26010 and 26386/2010

Union of India & Anr. ...Petitioners
Versus
Sh. R.D. Dixit & Ors. etc. ...Respondents

OFFICE REPORT

The matters above mentioned were listed before the Court of Id. Registrar on 6.7.2011 when the Court was pleased to pass the following Order:-

"SLP(C) NO.11806/2009

The Id. Advocate, Mr A.K.Patel appearing on behalf of Mr Satya Mitra Garg, Advocate-on-record states that they would appear for the legal representatives of the deceased respondent. Petitioner has to take appropriate steps.

SLP(C) NO.11807/2009

Petitioner has to cure the defects in the application for substitution on or before 21.7.2011.

If defects are not cured before such date, list this SLP alone before the Hon'ble Judge in Chamber.

SLP(C) NO.26010,26386 OF 2010

Petitioner has to take appropriate steps for unserved respondents.

In case of respondents who are no more, petitioner has to take appropriate steps .

For rest of the respondents, let there be fresh notice with additional dasti service.

It is permitted to be served through the nearest Civil Court/Trial Court.

Process fee and spare copies to be paid before 15.7.2011.

If not paid, list before the Hon'ble Judge in Chambers for non-prosecution against unserved respondent.

If paid, issue notice as per above order.

The Id. Advocate, Mr A.Patel confirms that legal heirs of the deceased respondent are to be substituted in the SLP(C) No. 11806/2009, and that such the legal representatives are adopting the counter affidavit already filed on record thereby they do not want to file separate counter affidavit.

SLP(C) NO.11805/2009

The ld. Advocate, Mr A.K.Patel appearing for the respondent confirms that they are adopting the counter affidavit filed in SLP(C) No. 7376/2009

List again on 23.8.2011.

Registry has to verify all the SLPs. If there is no specific order to tag or club fresh SLPs with the old SLP, registry shall take appropriate steps for listing it separately."

Service position is as under:-

SLP No. 11805/2009

There are 10 respondents. All are represented by Mr. S.C. Patel, Advocate but he has not filed counter affidavit so far.

Service is complete.

SLP No. 11806/2009

It is submitted that there are 14 respondents and all the represented by Mr. Satya Mitra Garg, Advocate and has filed counter affidavit. Respondent No. 1 has died and counsel for the petitioner has on 21.7.2011 filed application for substitution for bringing on record Lrs. of deceased respondent No. 1 and brought on record vide Hon'ble Chamber Judge Order dated 14.9.2012 vide I.A. Nos. 5 and 6. Names of 1(a) and 1(c) of deceased respondent No. 1 deleted vide I.A. No. 1. Service of Chamber summons in respect of Lr. No. 1(b) is complete but no one has entered appearance so far.

Service is complete.

SLP No. 11807/2009

It is submitted that there are 6 respondents in this matter. Lrs. of respondent No. 1 is represented by Mr. S. C. Patel, Advocate but has not filed counter affidavit so far. No one has entered appearance on behalf of Lrs. of deceased respondent No. 3 and respondent Nos. 2, 4 to 6 though served.

Service is complete.

SLP No. 11808/2009

There are 4 respondents and all are represented by Mr. Satya Mitra Garg, Advocate. He has on 3.11.2009 filed counter affidavit.

Service is complete.

SLP No. 11539/09

It is submitted that there are 17 respondents and all the respondents are represented by Mr. Satya Mitra Garg, Advocate. He has already filed counter affidavit. Counsel for the petitioner has also filed rejoinder affidavit.

Service is complete.

SLP No. 7376/2009

Service is complete on all the respondents and represented by their respective counsel. Counter affidavit filed by the counsel for the respondents and rejoinder affidavit filed by the counsel for the petitioner have already been included in their respective SLP Paper Books.

Service is complete.

SLP No. 17513/2009

Mr. Satya Mitra Garg, Advocate has entered appearance on behalf of Lr. 1(f) of sole respondent but he has not filed counter affidavit so far. Lr. Nos. 1(a) to 1(e) have not entered appearance though served with notice.

Service is complete.

SLP No. 26010/2010

Pursuant to this Court's Order dated 6.9.2010, show cause notice was issued to all the 7 respondents by registered AD on 5.10.2010. Mrs. Rani Chhabra, Advocate has filed vakalatnama/appearance as well as counter affidavit on behalf of Respondent Nos.1,3,6 & 7. Unserved cover in respect of respondent Nos. 2 and 5 have been received with postal remarks 'left without address' and in respect of respondent No. 4 'expired'.

For non-completion of service in respect of respondent Nos. 2 and 5 and bringing Lrs. against deceased respondent No. 4, counsel for the petitioner has filed an application for deletion the name of respondent Nos. 2 and 5 (registered as I.A. No. 2) and application for substitution to bring on record Lrs. of deceased respondent No. 4 (expired on 4.11.2008) and application for condonation of delay in filing substitution (registered as I.A. Nos. 3 and 4) respectively and the same was listed before the Hon'ble Judge in Chamber on

19.9.2011 with office report dated 17.9.2011 when His Lordship was pleased to pass the following Order:-

"I.A. No.2 : As prayed for, names of Respondent Nos.2 and 5 are deleted at the risk of the petitioner.

I.A. Nos.3 & 4 : Delay in filing substitution application is condoned subject to the deposit of Rs.2,000/- in the Supreme Court Legal Services Committee within four weeks from today."

It is submitted that as directed above, cause title has been amended accordingly and included in SLP Paper Books. Counsel for the petitioner has deposited the cost of Rs. 2,000/- in Supreme Court Legal Services Committee on dated 14.10.2011. Counsel for the petitioner has also filed proof of service duly served on proposed Lr. Nos. 4(a) to 4(e) of deceased respondent No. 4 but no one has entered appearance so far.

Service is not complete on respondent Nos. 4(a) to 4(e) so far.

SLP No. 26386/2010

There are 6 respondents. Vide Ld. Registrar Court's order dated 6.7.2011, fresh show cause notice as well as dasti was issued to Respondent Nos. 2 to 5 by Regd. AD on 19.7.2011. Counsel for the petitioner has on 18.8.2011 filed proof of dasti service with affidavit duly served on respondent Nos. 2 to 5. He has also filed affidavit of service with proof of Speed Post served on Respondent Nos. 1 & 6 but no one has entered appearance on behalf of served respondent Nos. 1 to 6.

Service is complete.

The matters above mentioned are listed before the Court of Ld. Registrar with this Office Report.

DATED THIS THE 10th DAY OF SEPTEMBER, 2013.

ASSISTANT REGISTRAR.

Copy to:-

- 1.Ms. Sushma Suri, Adv.
- 2.Mr. S.C. Patel, Adv.
- 3.Mr. Satya Mitra Garg, Adv.
- 4.Mr. A.K. Sharma, Adv.
- 5.Ms. Vibha Narang, Adv.

ASSISTANT REGISTRAR.