

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 4 OF 2016

(Application for exemption from filing copy of death certificate of Respondent No. 2)

AND

INTERLOCUTORY APPLICATION NO..... /2016

(Applications for substitution, condonation of delay in filing substitution and setting aside abatement)

IN

CIVIL APPEAL NO. 7381 OF 2013

AND

INTERLOCUTORY APPLICATION NOS. 5 AND 6

(Application for deletion of respondent No. 7 from array of parties and Application for exemption from filing copy of death certificate of Respondent No. 7)

IN

CIVIL APPEAL NO. 7381 OF 2013

Arif Pall & Ors.

.... Appellants

VERSUS

Bijay Kumar Sarawagi & Ors.

.... Respondents

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 26th August, 2013, when the Court was pleased to pass the following order:-

"Heard Mr. Patil, learned senior counsel in support of this special leave petition and Mr. Jha, learned counsel for the respondents.

2. The neat question of law which arises in this matter is whether the son of the deceased tenant could come on record as a heir under Section 5 of the Jharkhand Building (Lease, Rent and Eviction) Control Act, 2011 in view of the fact that his mother is already on record. The matter requires consideration. Leave granted. Hearing of the appeal is expedited.

3. The decree granted by the Trial Court against the appellant to vacate the premises concerned, will remain stayed until further orders. The counsel for the respondents makes a grievance that the rent is hardly any amount. He may take out appropriate application for that purpose and as and when such an application is filed, it will be considered. "

It is submitted that there are eight respondents in the matter. Service of notice on all the respondent is complete. Respondent Nos. 1, 3, 5, 6 and 8 are represented through Mr. Ashok Mathur, Advocate. Mr. Ashok Mathur, Advocate has also filed vakalatnama on behalf of Respondent No. 4 through constituted power of attorney holder but has not filed copy of power of attorney. Respondent No. 2 and 7 have expired during the pendency of Appeal.

It is further submitted that Mr. T. Mahipal, Advocate has on 10.5.2016 filed application for deletion of respondent NO. 7 from array of parties along with application for exemption from filing copy of death certificate of Respondent No. 7. The applications are registered as I.A. Nos. 4 and 5. (Copy of applications are placed with main appeal paper books).

It is further submitted that Mr. T. Mahipal, Advocate has on 10.5.2016 filed other applications for substitution of the Lrs of deceased respondent No. 2 and the same was barred by time by 2097 days and counsel for the appellant has filed applications for condonation of delay and setting aside abatement.

It is further submitted that counsel for the the Appellant has not filed death certificate of deceased Respondent No. 2 and he has filed an application for exemption from fling copy of death certificate of deceased respondent No. 2. The application is registered as I.A. No. 6. (Copy of application is placed with main appeal paper books).

The applications above-mentioned are listed before the Hon'ble Judge in Chambers with this office report.

DATED THIS THE 13TH DAY OF MAY, 2016

ASSISTANT REGISTRAR

Copy to : Mr. T. Mahipal, Advocate
Mr. Ashok Mathur, Advocate

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ASSISTANT REGISTRAR