

SECTION IV B

Listed No. 21.07.2015

Court No.10

IN THE SUPREME COURT OF INDIA Item No.7

CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS.  
4020,4022, 4023, 4024, 4025, 4028, 15200-201 AND 15238 OF  
2007 & 3256 of 2015

WITH

INTERLOCUTORY APPLICATION NO.3

(Application for intervention in SLP (C) No. 4020 of 2007)

AND

INTERLOCUTORY APPLICATION NO.3

(Application for amendment of Cause title in SLP (C) No. 4023 of 2007)

AND

INTERLOCUTORY APPLICATION NO.

(Application for recalling of Court's Order dated 27.08.2012 in SLP (C) No. 4024 of 2007)

AND

INTERLOCUTORY APPLICATION NO.

(Application for setting aside abatement against respondent no.26 in SLP (C) No. 4024 of 2007)

AND

INTERLOCUTORY APPLICATION NO.

(Application for substitution of the Lrs. Of deceased respondent no.26 in SLP (C) No. 4024 of 2007)

AND

INTERLOCUTORY APPLICATION NO.

(Application for condonation of delay in filing substitution application in SLP (C) No. 4024 of 2007)

Amritsar Improvement Trust ...Petitioner

**Versus**

Poonam & Ors. etc. ...Respondents

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 17.03.2015 with office report dated 16.03.2015 (copy attached), when the Court was pleased to pass the following order:-

" It appears that in some of the matters, the respondents are dead but no steps have been taken by the petitioner for bringing on record the legal representatives of the deceased respondents.

As prayed for, four weeks' further time is granted to the petitioner for bringing on record the legal

representatives of the deceased respondents, failing which those special leave petitions shall stand dismissed as abated against those respondent.

Mr. S.K. Pasi, learned counsel, states that he shall file vakalatnama on behalf of respondent no. 14 during the course of the day. Let him do so."

The matters above mentioned were lastly listed before the Hon'ble Court on 28.04.2015, when the Court was pleased to pass the following order :-

" As prayed for, list these matters on a non miscellaneous day after the ensuing summer vacation."

The service position of each matter is as below:

SLP (C) No.	Total respondents	Served resp. by Courier receipt	V/A	C/A	Service thr. publication	Remarks
*4020/07	3	1,3	2	2	-	Complete
**4028/07	31	19 & 31	17, 18, 20-22	17,19, 20	1-16, 23-30	Complete
***4024/07	47	4-6, 9, 36, 37, 45	1-3, 8, 25, 27, 28, 29, 31, 32, 41	1-3, 41	7, 10-22, 33-35, 38-40, 42-47	Complete (SLP dismissed in respect of R-23,24 & 30) and SLP abated in respect of R-26.
****4023/07	31	4(i), 11, 20, 21, 29, 30, 31	1-19, 23	9, 10, 15, 16-19	5, 6, 22-28	Incomplete R-12 & R-17(i) are dead
4022/07	3	3	1-2	1	2	Complete
4025/07	2	2	-	-	1	Complete

It is submitted that counter affidavit filed by respondents have been included in the paper books.

\* SLP (C) No. 4020 of 2007

There are three respondents. Courier Receipt duly signed have been received back from respondent nos. 1 and

3 but no one has entered appearance so far. Mr. C.S. Ashri, Advocate has filed vakalatnama and memo of appearance and counter affidavit on behalf of respondent no.2. Counter affidavit is included in paper books.

It is further submitted that Mr. Gagan Gupta, Advocate filed an application for intervention alongwith Annexure A-1 to A-7 to interven as registered as I.A. no.3 and the same was listed before Hon'ble Court(in Chambers) on 29.10.2014 when The Lordship was pleased to pass the following order:

"Learned counsel for the applicant in I.A. No. 3 of 2014 is directed to serve a copy of I.A. No.3 to the other parties.

I.A. No.3 to be heard at the time of final hearing of main matter."

It is submitted that counsel for the applicant in I.A. No.3 has served the copy to other side at the time of filing of I.A. No.3 but he has not filed fresh proof to serve the copy to other side so far.

\*\* SLP (C) No. 4028 of 2007

It is submitted that Lrs. Of deceased respondent no. 18 are brought on record vide ld. Registrar's J-III order dated 08.04.2011 passed in I.A. no.7. Mr. E.C. Agrawala, Advocate has filed counter affidavit on behalf of respondent no.19 but he has not filed vakalatnama on behalf of respondent no. 19 so far.

\*\*\* SLP (C) No. 4024 of 2007

It is submitted that Mr. Mohinder Jit Singh Rupal, Advicate, has filed an application for intervention but in the prayer clause, it is mentioned as " impleadment ". Counsel has not cured the said defect despite letter. He is no more counsel for the applicant.

It is further submitted that Special Leave Petition was dismissed against respondent nos. 23, 24, 30 and against respondent no. 26 is abated vide order dated

27.08.2012 of the Hon'ble Judge in Chambers.

It is further submitted that Mr. Jagjit Singh Chhabra, Advocate for the petitioner has on 19.03.2013 filed application for recalling of Court's order dated 27.08.2012 and setting aside abatement against respondent no. 26 alongwith application for substitution and condonation of delay in filing substitution application which is barred by time by 628 days. But same is defective for the reason that:-

(i) Notice of motion has not been filed.

(ii) Age of Lrs. has not been mentioned.

Registry vide letter dated 05.04.2013 requested to Mr. Jagjit Singh Chhabra, Advocate for the petitioner to cure the defects but he has not cured the defects so far. Unregistered applications have been included in the paper books.

It is further submitted that Mr. E.C. Agrawala, Advocate for respondent no.1 has served letter dated 15.07.2013 upon counsel of petitioner, as stated by him, regarding death of respondent no.1 i.e. Baldev Singh but counsel for the petitioner has not taken any steps to bring on record his Lrs. So far.

The matters above mentioned were lastly listed before the Hon'ble Court on 28.04.2015 with office report dated 27.04.2015, when the Court was pleased to pass the following order :-

" AS prayed for, list these matters on a non miscellaneous day after the ensuing summer vacation."

SLP (C) No. 4023 of 2007

It is submitted that Mr. E.C. Agarwala, Advocate, has filed an application for Amendment of Cause Title in respect of respondent no.13, Asha, W/o "Sudarshan Singh" seth instead of " W/o Darshan Singh" which is regd. As I.A. No. 3. Copy of the same has been included in the paper books.

It is submitted that pursuant to the abovesaid order counsel for the petitioner has not taken steps to bring on record Lrs. of deceased respondent nos. 12 and 17(i) in SLP (C) No. 4023 of 2007 so far, while four weeks' time granted vide his court's order dated 17.03.2015 for doing the needful has already expired on 14.04.2015, thus in view of order dated 17.03.2015 SLP stands dismissed as abated against respondent nos. 12 and 17(i) in SLP (C) No. 4023 of 2007.

SLP (C) No. 15200-201 of 2007

It is submitted that initially there were 48 respondents. A.D. Card duly signed has been received back from respondent no.1 but no one has entered appearance on his behalf. Respondent no.2 is represented through Mr. Praneet Ranjan, Advocate and has also filed counter affidavit. Names of respondent nos. 3 to 48 have been deleted vide Court's order dated 29.04.2008.

Service of show cause notice is complete.

SLP (C) No. 15238 of 2007

There are two respondents in this matter. Respondent no.1 stands served through Standing Counsel but no vakalatnama has been filed. Mr. A. Guneshwas Sharma, Advocate is representing respondent no.2 . He has also filed counter affidavit on behalf of respondent no.2 and copies of the same have already been included in the paper books.

SLP (C) No. 3256 of 2015

It is submitted that there are total 20 respondents in the matter.

It is further submitted that counsel for the petitioner has not taken steps to bring on record Lrs. of deceased Respondent Nos. 1, 4 & 12 on record so far while four weeks time granted by Hon'ble Court order dated

17.03.2015 for doing the needful application for substitution has already expired on 14.04.2015. Thus, in view of Court's order dated 17.03.2015, SLP stands dismissed against Respondent Nos. 1, 4 & 12. Amended Cause Title circulated to the Hon'ble Court.

Service position of rest of respondent is as follow:-

Total Resp	A.D.	V/A	Unserve d with remarks	Neither A.D. nor unserved	Service Incomplete on Respondent No.	SLP dismisse d against Responde nt Nos.
20	-	16	13-died 18-died	2,3,5-11, 15,17,19, 20	2,3,5-11,15, 18-20	1,4,12

It is also submitted that Mr. S.K. Pasi, Advocate has on 16.03.2015 filed copy of death certificate and will of Respondent No. 14 and also filed Vakalatnama and Memo of Appearance on behalf of proposed Lrs. of deceased Respondent No. 14, but counsel for the petitioner has not filed application for substitution to bring Lrs. of deceased Respondent No. 14 on record. Amended Caust Title cicultated to the Hon'ble Court with this office report.

It is also submitted that counsel for the petitioner has not filed applications for substitution to bring on record Lrs. of deceased Respondent Nos. 13 & 18 till date.

Service of show cause notice is not complete.

The matters are listed before the Hon'ble Court with this office report.

Dated this the 20th day of July, 2015.

ASSISTANT REGISTRAR

Copy to :-Mr. Jagjit Singh Chhabra, Adv.  
Mr. C.S. Ashri, Adv.  
Mr. E.C. Agrawal, Adv.

ASSISTANT REGISTRAR