

SECTION IV B Listed No. 17.03.2015
Court No. 8
IN THE SUPREME COURT OF INDIA Item No. 5
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 23.02.2007, when the Court was pleased to pass the following order:-

" Delay condoned
 Issue notice
 There shall be interim stay of the
 High Court's order."

Accordingly show cause notice was issued to all the respondents in all the matter 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 the 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 and 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.

*** 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 further submitted that Mr. E.C. Agarwala, Counsel for respondent has informed that respondent no.12 and respondent no.17(i) have died. Counsel for the petitioner has not filed application to bring on record the Lrs of respondent no.12 and respondent no.17(i) so far.

SLP (C) No. 15200-201 of 2007 and 15238 of 2007

The matters above mentioned were listed before the Hon'ble Court on 20.08.2007, when the Court was pleased to pass the following order :-

"Permission to file SLP is granted.
Issue notice."

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.

The matter above mentioned were lastly listed before the Hon'ble Court on 14.08.2013, when the Court was pleased to pass the following order:

“List after four weeks for final disposal on a non-miscellaneous day.”

SLP (C) No. 3256 of 2015

The matter above mentioned was listed before the Hon'ble Court on 27.01.2015, when the Court was pleased to pass the following order :-

“ Delay condoned.
Issue notice returnable within four weeks.
Dasti, in addition, is permitted.
Tag with SLP © NO. 4020/2007.
In the meantime, the operation of the impugned order dated 20.8.2014 in CWP No. 4087 of 1996 shall remain stayed.

Accordingly show cause notice to all the 20 respondents was issued on 10.02.2015 through registered A.D. post and dasti. Neither AD Cards nor unserved covers containing notice have been received back from all the respondent so far.

It is submitted that Mr. E.C. Aggarwala, Advocate has filed vakalatmana and memo of appearance and counter affidavit on behalf of respondent no. 16.(Counter affidavit is being circulated before the Hon'ble Court).

It is further submitted that Mr. E.C. Aggarwala, Advocate has also filed vakalatnama and memo of appearance of the Lrs of deceased respondent nos. 1, 4 and 12 alongwith two seperate counter affidavit on behalf of respondent nos. 4 and 12 but no application for substitution has been filed for deceased respondent nos. 1, 4 and 12 so far.

Service of show cause notice is not complete in respect of respondent nos. 1-15 and 17-20.

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

Dated this the 16th day of March, 2015.

ASSISTANT REGISTRAR

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

ASSISTANT REGISTRAR

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