

SECTION IV

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

INTERLOCATORY APPLICATION NO.

(Application for seeking abatement of instant appeal- filed by Mr. Rishi Malhotra)

IN

CIVIL APPEAL NOS. 2696-2697 OF 2013

WITH

INTERLOCATORY APPLICATION NO.

(Application for substitution- filed by Mr. Ajay Kumar Singh)

Geeta

...Appellant

Versus

Anjana Devi (Dead)

...Respondent

OFFICE REPORT

The instant appeal is by special leave granted by this Court's Order dated 15.3.2013.

It is submitted that counsel for the appellant has on 27.1.2016 filed application for substitution to bring on record the Lrs. of deceased sole Respondent, namely, Anjana Devi which is found defective for the following reasons:

1. Application for condonation of delay in substitution has not been filed as there is a delay of 95 days in filing application for substitution.
2. Averment that there are "No other Lrs. except the Lrs. mentioned in the application" not given.
3. Photocopy of original death certificate of deceased sole respondent and her deceased proposed Lr. Karan Kumar are required.
4. Age of the proposed Lrs. has not been furnished whether they are major or minor.

Counsel for the appellant was asked vide this registry's letter dated 08.02.2016 to cure the above mentioned defects but the counsel has not done the needful so far.

It is submitted that Mr. Rishi Malhotra, Counsel for the deceased sole respondent has on 19.03.2016 filed application for seeking abatement of instant Civil Appeals which is found defective for the reason that the affidavit filed in

support of the present application is sworn by the Advocate's Clerk, not by the party concerned.

It is further submitted that the application for seeking abatement of instant appeal was mentioned before the Hon'ble Court on 06.04.2016, when the following order was passed :-

"Post I.A..... of 2016 (Appln. Seeking abatement of appeal) next week before an appropriate Bench."

The unregistered applications above mentioned are listed before the Hon'ble Court with this Report.

Dated this the 8th day of April, 2016.

ASSISTANT REGISTRAR

Copy to :-

1. Mr. S.K. Sabharwal Advocate,
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2. Mr. Rishi Malhotra, Advocate,
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ASSISTANT REGISTRAR