

S U P R E M E      C O U R T   O F      I N D I A  
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).5954/2006

D. RANGAPPA

Petitioner(s)

VERSUS

G. MUDLAPPA & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP,c/delay in filing substitution  
appln.,substitution of deceased respondent)

Date: 30/07/2010      This Petition was called on for hearing today.

For Petitioner(s)

Mr. S.N. Bhat,Adv.

For Respondent(s)

Mrs. Sudha Gupta,Adv.

UPON hearing counsel the Court made the following

O R D E R

Registry has to be careful in examining and considering the application for substitution on record, more particularly when they are defective and when not supported by requisite information and documents as per rules.

Practically the filing of defective matter is applicable only on fresh filing of the main matter and not for all the applications which are filed subsequently, in view of the fact that, once the matter is pending before the Court, it

-2-

Item No.12

is the duty and function of the concerned litigant and concerned counsel to take care of the situation including limitation in doing certain things.

The calculation of delay in filing such application is to be considered only when application is filed without any defects or when all the defects are cured on record.

It is unfortunate that though there are repeated directions and orders by this Court not to list such defective applications before this Court or before any other Court, considering the fact that such defective applications are to be considered as not filed at all on record, registry is repeatedly listing such applications before the Court and thereby wasting the valuable time of judicial process/hours.

No such application should be considered as filed at all and such matter should not be listed before this Court.

If proper steps are not taken in time either to cure the defects or to take appropriate steps to confirm service on unserved respondents, matter shall be listed before the Hon'ble Judge in Chambers for non-prosecution against unserved respondents without waiting for formal orders from this Court.

(S.G. SHAH)  
Registrar

hj