

W.L. No. : 20/2014
Court No. : 05
Item No. : 03

SECTION XIIA
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1839, 1850, 1837 & 1840 OF 2006

WITH

INTERLOCUTORY APPLICATION No. 18

(Application for impleadment in C.A. No. 1839/06 filed by M/s Lawyer's Knit & Co., Advocates)

WITH

INTERLOCUTORY APPLICATION No. 3

(Application for impleadment in C.A. No. 1850/06 filed by Mr. ATM Sampath, Advocate)

WITH

INTERLOCUTORY APPLICATION No. 4

(Application for permission to carry out Repairs in C.A. No. 1850/06 filed by Mr. Shakil Ahmad Syed, Advocate)

AND

INTERLOCUTORY APPLICATION No. 5

(Application for impleadment in C.A. No. 1850/06 filed by Md. Shahid Anwar, Advocate)

AND

INTERLOCUTORY APPLICATION No. 8

(Application for impleadment in C.A. No. 1850/06 filed by Ms. Madhusmita Bora, Advocate)

AND

INTERLOCUTORY APPLICATION No. 2/2014 in CA No. 1837/2006, IA No. 19/2014 in CA No. 1839 of 2006 and IA No. 9/2014 in CA NO. 1850/2006

(Common Application for deletion of name of deceased Lr. No. (i) of deceased sole Appellant from array of parties in CA Nos. 1837, 1839 and 1850 of 2006)

S.M. HUSSAIN RASHEED (D) BY LRS. ETC. ..APPELLANTS

- VERSUS -

UNION OF INDIA & ORS. ..RESPONDENTS

OFFICE REPORT

The matters above-mentioned were listed before the Court on 23rd October, 2013 alongwith C.A. No. 4702 of 2004, when the Hon'ble Court was pleased to pass the following Order:

"C.A NO. 4702 OF 2004

Hearing concluded.

Judgment reserved.

C.A NO(s). 1850, 1839, 1837 & 1840 of 2006

List after the pronouncement of judgment in C.A. No.4702 of 2004."

Subsequently, the matters above-mentioned were listed before the Hon'ble Court on 22nd July, 2014, when the Hon'ble Court was pleased to pass the following Order:

“The learned counsel for the appellant submitted that Smt. Roohunnisa Liaqat Fatima, one of the Lrs. of the appellant has died during the pendency of the appeal.

The learned counsel for the appellant is allowed four weeks' time to file application for substitution.”

It is submitted to the Hon'ble Court that the Judgment in C.A. No. 4702 of 2004 has been pronounced on 7th January, 2014 allowing the said appeal. (A copy of the Judgment dated 7th January, 2014 is enclosed herewith).

It is further submitted that pursuant to the aforesaid order dated 22nd July, 2014, Advocate for the Appellant instead of filing application for substitution, has on 14th August, 2014 filed a common applications for deletion of the name of the deceased Lr. No. (i) namely Roohunnisa Liaqat Fatima of deceased sole Respondent from the array of parties in CA Nos. 1837, 1839 and 1850 of 2006 and the said applications have been registered as I. A. No. 2 /2014 in CA No. 1837 of 2006, IA No. 19/2014 in CA No. 1839 of 2006 and IA No. 9/2014 in CA No. 1850 of 2006.

It is further submitted that the aforesaid deceased Lr. No. (i) namely Roohunnisa Liaqat Fatima is Lr. of common deceased Respondent No. 4 in connected CA No. 1840 of 2006 but counsel for the appellants in said appeal has neither filed application for substitution nor filed application for deletion of said deceased Lr. No. (i) of deceased common Respondent No. 4 so far.

Service Position of the Appeals above-mentioned are as under:

CIVIL APPEAL NO. 1839 OF 2006 @ SLP No. 267-271 OF 2004

There are total 4 respondents In SLP No. 267 of 2004. Respondent Nos. 1-3 are represented by Ms. Anil Katiyar, Advocate and Respondent No. 4 is represented by Mr. G.N. Reddy, Advocate.

There are 3 respondents in SLP No. 268 of 2004. Respondent Nos. 1-2 are represented by Mr. Gopal Singh, Advocate and Respondent No. 3 is represented by Ms. Anil Katiyar, Advocate.

There are total 3 respondents In SLP No. 269 of 2004. Respondent No. 1 is represented by Ms. Anil Katiyar, Advocate and Respondent Nos. 2-3 are represented by Mr. Gopal Singh, Advocate.

There are total 3 respondents In SLP No. 270 of 2004. Respondent No. 1 is represented by Ms. Anil Katiyar, Advocate and Respondent Nos. 2-3 are represented by Mr. Gopal Singh, Advocate. There are total 4 respondents In SLP No. 271 of 2004. Respondent Nos. 1-3 and 4 are represented by Ms. Anil Katiyar and Mr. G.N. Reddy, Advocates.

Service is complete.

It is submitted that pursuant to the Court's Order dated 3rd May, 2010, notice was issued on the application for impleadment filed by M/s Lawyer's Knit & Co., Advocate through Advocates. Service is complete.

CIVIL APPEAL NO. 1850 OF 2006

There are total 6 respondents. Respondent Nos. 1-4 and 6 are represented by Ms. Sushma Suri, Advocate and Respondent No. 5 is represented by Mr. Gopal Singh, Advocate.

It is submitted that the Hon'ble Court vide its order dated dated 15th October, 2008 directed the I.A. No. 3 (Application for impleadment) filed by Mr. A.T.M. Sampath, Advocate will be listed alongwith the main matter.

It is further submitted that Md. Shahid Anwar, Advocate has on 12th August, 2011 filed an application for impleadment on behalf of applicant to be impleaded as party respondent alongwith vakalatnama and appearance on behalf of proposed party to be impleaded and the same has been registered as Interlocutory Application No. 5 in C.A. No.1850 of 2006. The said application has been included in the Paper Books.

It is further submitted that Ms. Madhusmita Bora, Advocate has on 6th March, 2013 filed an application for Impleadment and the same has been registered as I.A No.8. The said application is placed with the Appeal Paper-books. The Advocate has also submitted a letter dated 13th July, 2013 seeking to replace pages 9 and 10 of the Application for Impleadment as the ground that she has inadvertently mentioned the word appellat which requires to be changed. The said letter is circulated herewith for kind perusal.

CIVIL APPEAL NO. 1837 OF 2006

There are 3 respondents . Respondent No. 1 is represented by Ms. Sushma Suri, Advocate & Respondent Nos. 2-3 are represented by Mr. Gopal Singh, Advocate.

Service is complete.

CIVIL APPEAL NO. 1840 OF 2006 @ SLP Nos. 9581-9586 OF 2004

There are 5 respondents in SLP No. 9581 of 2004. Respondent Nos. 1-3 are represented by Ms. Anil Katiyar, Advocate. All 5 common Lrs. of deceased common Respondent No. 4 are represented by Mr. Shakil Ahmed Syed, Advocate. Respondent No. 5 has been served with the notice but he has not entered appearance before this Court so far.

There are 4 respondents in SLP No. 9582 of 2004. Respondent Nos. 1-2 are represented by Mr. Gopal Singh, Advocate and Respondent No. 3 is represented by Ms. Anil Katiyar, Advocate and all common Lrs. of deceased Respondent No. 4 are represented by Mr. Shakil Ahmed Syed, Advocate.

There are 4 respondents in SLP No. 9583 of 2004. Respondent No. 1 is represented by Ms. Anil Katiyar, Advocate and Respondent Nos. 2-3 are represented by Mr. Gopal Singh, Advocate and All common Lrs. of deceased Respondent No. 4 are represented by Mr. Shakil Ahmed Syed, Advocate.

There are 10 respondents in SLP No. 9584 of 2004. Respondent Nos. 1-3,5 & 7 is represented by Ms. Anil Katiyar, Advocate. All common Lrs. deceased Respondent No. 4 are represented by Mr. Shakil Ahmed Syed, Advocate. Respondent No. 6 is represented by Mr. Gopal Singh, Advocate and Respondent Nos. 8-10 are represented by Mr. M.K. Garg, Advocate.

There are 5 respondents in SLP No. 9585 of 2004. Respondent Nos. 1-3 are represented by Ms. Anil Katiyar, Advocate. All common Lrs. of deceased Respondent No. 4 are represented by Mr. Shakil Ahmed Syed, Advocate. Respondent No. 5 has been served with the notice but he has not entered appearance before this Court so far.

There are 4 respondents in SLP No. 9586 of 2004. Respondent No. 1 is represented by Ms. Anil Katiyar, Advocate and Respondent Nos. 2-3 are represented by Mr. Gopal Singh, Advocate and All common Lrs. of deceased Respondent No. 4 are represented by Mr. Shakil Ahmed Syed, Advocate.

Service is complete in all the Appeals above mentioned.

Common original record in C.A. Nos.1850, 1839, 1837 and 1840 of 2006 is available for reference of the Hon'ble Court in all the Appeals.

The aforesaid appeals alongwith applications above-mentioned are listed before the Hon'ble Court with this Office report.

Dated this, the 19th day of August, 2014.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Shakil Ahmed Syed, Advocate
2. Mrs. Anil Katiyar, Advocate Central
3. Mr. G.N. Reddy, Advocate
4. Mr. Gopal Singh, Advocate
5. Mr. A.T.M Sampath, Advocate
6. Ms. Bina Madhavan, Advocate
7. Ms. Sushma Suri, Advocate
8. Ms. Promila, Advocate
9. M/s Lawyer's Knit & Co., Advocate
10. Mr. M.K. Garg, Advocate
11. Md. Shahid Anwar, Advocate
12. Ms. Madhusmita Bora, Advocate.

ASSISTANT REGISTRAR