

LISTED ON
COURT NO.
ITEM NO.

SEC.IVA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5292 OF 2006

BANGARAMMA(Dead)

..Appellant

-VERSUS-

V.B. RAMAKRISHNA (D) BY LRS. & ORS.

...Respondents

OFFICE REPORT

The matter above mentioned part-heard matter was listed before the Hon'ble Court on 17.07.2013, when the Court was pleased to pass the following Order:

"At the request of Mr. B.Prabhu S.Patil,
learned senior appearing counsel for the
appellant, post next week."

It is submitted that as per direction, matter has been is released form the part-heard matter.

It is further submitted that there are Respondent Nos. 2(a) to 2(c), 3 to 11. Respondent Nos. 3-5, 11, 6, 8 & 9 are represented through Mr. P.R.Ramasesh, Ms. Lalitha Kaushik, Rajesh Mahale and Rajiv Singh, Advocates respectively. Respondent Nos. 2(a) to 2(c), 7 & 10 have been served with notice at SLP stage but have not entered appearance.

It is also submitted to the Hon'ble Court that the mediation report has been received on 23.4.2012 alongwith Form No. 4 from Bangalore Mediation Centre.

It is also submitted to the Hon'ble Court that as per the mediation report received earlier as per Court's Order dated 20.1.2011 from Hon'ble Mr. Justice A.J. Sadashiva, Former Judge of Karnataka High Court stating therein that during the pendency of the appeal, Smt. Bhangaramma, the appellant herein died on 13.01.2011, thereafter this appeal was referred to mediation by Order dated 20.01.2011. Her daughters Smt. Jayalakshmi. B.K., Smt. Mukta B.K and Smt. Meera B.K filed an application under Order 22 Rule 3 & 4 of the Code of Civil Procedure, before the Mediator, stating that the said application is being filed in view of the direction of the Supreme Court of India. The application was filed before the Mediator on 28.02.2011 with no objections from the Respondent. The said application is also sent to Hon'ble Supreme Court of India along with the

records for appropriate order. Mr. B.S. Prasad, Advocate has filed vakalatnama on behalf of Lrs. of deceased sole appellant.

Thereafter, the appeal above mentioned was listed before the Hon'ble Court on 04.09.2014, when the Court was pleased to pass the following Order:

"Heard.

Although the parties were given time to explore the possibility of an amicable settlement with the help of the Mediation Centre at Bangalore, no such settlement was arrived at. Learned counsel for the parties submit that one last attempt can be made by the parties with the help of their counsel to negotiate an amicable settlement of the outstanding issues.

They pray for and are granted six weeks' time to report the outcome of such an effort.

Post after six weeks. Needful be done in the meantime."

Thereafter, the appeal above mentioned was lastly listed before the Hon'ble Court on 9.4.2015, when the Court was pleased to pass the following Order:

“Learned counsel for the respondent submits that respondent no. 4 has passed away some time back. He seeks time to file an application for substitution of the legal heirs left behind by the deceased-respondent no. 4.

Post after ensuing summer vacation alongwith application for substitution, if any filed.”

It is submitted that Mr. B.S. Prasad, counsel for the appellant has on 16.07.2015 filed an application for treating other respondents as legal heirs of deceased respondent no. 4 but the said application is defective as name of Lrs. has not been mentioned in the application and also no application for condonation of delay in filing substitution has been filed as there is a delay of 20 days. However, as the matter is on board, the said application is being circulated to the Hon'ble Court with this office report.

The appeal above mentioned is listed before the Hon'ble Court with this Report.

Dated this the 20th day of July, 2015.

COPY TO: Mr. P.R.Ramasesh, Advocate
Mr. Rajiv .Singh, Advocate
Ms. Lalitha Kaushik, Advocate
Mr. Rajesh Mahale, Advocate
Mr. B.S. Prasad, Advocate

ASSISTANT REGISTRAR

ASSISTANT REGISTRAR

SK/-