

SECTION – XVI

LISTED ON : WL 18/2014

COURT NO. : 11

ITEM NO. : 32

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

CIVIL APPEAL NO. 2635 OF 2011

WITH

INTERLOCUTORY APPLICATION NOS. 5 & 6

(Application for permission to file additional documents with exemption from filing O/T)

AND

INTERLOCUTORY APPLICATION NO. 7

(Application for bringing subsequent facts and events on record)

SANJEEV KUMAR & ANR.

... APPELLANTS

- VERSUS -

STATE OF BIHAR & ORS.

... RESPONDENTS

OFFICE REPORT

This is an appeal by Special leave granted by this Hon'ble Court on 17th March, 2011.

There are five respondents in the matter. Respondent Nos. 1 & 2 are represented by Mr. Gopal Singh, Advocate, while Respondent Nos. 3 and 4 are represented by M/s. Vishnu Sharma and Subhro Sanyal, Advocates respectively. Respondent No. 5 has been permitted to intervene in the matter vide Court's order dated 2nd August, 2010 and is represented by Mr. T. Mahipal, Advocate.

Original Record has been received from the High Court and is available for the reference of the Hon'ble Court. Statement of case have been filed by counsel for the Appellants as well as Counsel for Respondent Nos. 1, 2 and 4. The same have been included in the paperbooks. Counsel on behalf of Respondent No. 3 has not filed the Statement of Case despite Order dated 30th July, 2012.

It is submitted that Mr. C. Balakrishna, earlier counsel for Respondent No. 4 has on 20th March, 2012 filed an application for permission to file additional documents praying therein to take on record the additional documents as Annexures R-1 to R-9 alongwith an application for exemption from filing Official Translation. Both the applications are registered as I.A. No. 5 & 6 respectively and included in the paperbooks.

It is further submitted that Mr. Subhro Sanyal, Advocate on behalf of Respondent No. 4 has on 14th March, 2014 filed application for early hearing and application for recalling the Order dated 17th March, 2011 and revoke the leave to appeal granted to the Petitioners. Both the applications are defective for the reason that counsel has not served copy of the applications on Mr. Vishnu Sharma, Advocate for Respondent No. 3, Page No. 20 and Annexure R-4-C is missing in the application for recalling the order dated 17.3.2011, copy of the Order dated 17.3.2011 has not been annexed as Annexure in the application for early hearing, pagination not done in the applications and application for exemption from filing official translation not given. Counsel was asked to cure the above-mentioned defects vide this Registry's letter dated 26th March, 2014 and subsequent reminder dated 28th April, 2014, but he has not cured the defects, so far. However, the unregistered application for recalling the Order dated 17th March, 2011 and revoke the leave to appeal granted to the Petitioners is included in the paperbooks for orders.

It is further submitted that Mr. Ejaz Maqbool, Counsel for the Appellants has on 25th July, 2014 filed an application for bringing subsequent facts and events on record with Annexure. The application is registered as I.A. No. 7 and included in the paperbooks.

It is lastly submitted that Mr. T. Mahipal, Counsel for Respondent No. 5 (Intervenor) has on 31st July, 2014 filed Additional Affidavit alongwith an application for exemption from filing official translation. The same is defective for the reasons that counsel has not served copy of the same on M/s. Vishnu Sharma and Subhro Sanyal, Advocate for Respondent No. 3 and 4 respectively and eight annexures found instead of nine Annexures as mentioned in the application for exemption from filing O/T. However, the Additional Affidavit alongwith application above-mentioned is included in the paperbooks.

The matter alongwith applications above-mentioned is listed before the Hon'ble Court with this Report.

DATED THIS THE 2nd DAY OF AUGUST, 2014.

ASSISTANT REGISTRAR

COPY TO : Mr. Ejaz Maqbool, Advocate
Mr. Gopal Singh, Advocate
Mr. Vishnu Sharma, Advocate
Mr. Subhro Sanyal, Advocate
Mr. T. Mahipal, Advocate.

ASSISTANT REGISTRAR

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