

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7456 OF 2008

RAM NARAIN UPADHYAYA (D) BY LRS. . . . APPELLANT(S)

VERSUS

NABARD & ORS. . . . RESPONDENT(S)

O R D E R

On 01.09.2016 nobody had appeared for the appellant and, therefore, this Court passed the following order:

"When the matter was called out, nobody appeared for the appellants. We passed over the matter for sometime and the name of the counsel for the appellants - Mr. Badri Das Sharma was flashed but even thereafter when the matter has been called again nobody appears for the appellants.

The last order dated 26.05.2016 also discloses that when this appeal was called out for hearing on that day, none appeared for the appellants.

We have heard learned counsel for the respondent no.1 namely National Bank of Agriculture & Rural Development (NABARD) and for respondent no. 3 - Reserve Bank of India. At this juncture, we have been informed by Members of the Bar that Mr. Badri Das Sharma, the advocate on record representing the appellants, has died a few months earlier. In view of such information, we are of the view that interest of justice requires sending a

notice to all the five legal heirs of the appellant, whose names appear in the amended cause title. They should be given reasonable time to engage any counsel to represent them in this appeal. We expect that the notice shall be issued without any delay and served upon all the legal representatives within four weeks. They should be given four weeks further time for the purpose of deciding whether they want to engage a counsel or not, and if yes, to do so.

List after eight weeks".

The office note dated 8<sup>th</sup> November, 2016 discloses that notice for making alternative arrangement was issued to all the five legal heirs of the deceased appellant by registered post with A.D. on 09.09.2016. The notices have been served upon all the legal heirs but no one has entered appearance.

Considering the aforesaid office report and the facts noted in the earlier order, we are of the considered view that the legal representatives of the deceased appellant have lost interest in pursuing this matter. Therefore, this civil appeal is dismissed for non-prosecution.

.....J.  
[SHIVA KIRTI SINGH]

NEW DELHI  
10TH NOVEMBER, 2016

.....J.  
[R.BANUMATHI]

ITEM NO.102

COURT NO.11

SECTION XV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCivil Appeal No(s). 7456/2008

RAM NARAIN UPADHYAYA (D) BY LRS.

Appellant(s)

VERSUS

NABARD &amp; ORS.

Respondent(s)

(With interim relief and office report)

Date : 10/11/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)

For Respondent(s) Mr. H. S. Parihar, Adv.

Mr. K.S. Parihar, Adv.

Mr. Rakesh Munjal, Sr. Adv.

Mr. P. Narasimhan, Adv.

Mr. Sanjiv K. Rai, Adv.

Ms. Nitisha Gooyal, Adv.

Mr. Mohd. Atif, Adv.

UPON hearing the counsel the Court made the following  
O R D E RThe appeal is dismissed for non-prosecution in  
terms of the signed order.(Madhu Bala)  
Court Master  
(Signed order is placed on the file)(Madhu Narula)  
Court Master