

SECTION XVII

MATTER FOR : 22.09.2014
R.COURT NO.: 01
ITEM NO. : 14

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2580 OF 2011
WITH
CIVIL APPEAL NO. 2579 OF 2011

Jyoti Harshad Mehta & Ors. .. Appellants
VERSUS
The Custodian & Ors .. Respondents

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 14.03.2011, when the court was inter-alia pleased to pass the following order :-

"C.A. No...D. 6671/2011

Permission to file civil appeal is granted.

Issue notice.

C.A. No...D. 6670/2011

Permission to file civil appeal is granted.

Issue notice."

Civil Appeal No. 2580/11

It is submitted that there are seven respondents in the matter. Respondent Nos. 1, 2,4,5 and 6 are represented through Mr. Subramaniam Prasad, Mr. B.V. Balram Das, Mr. Anil Shrivastav, Mr. Anupam Lal Das and Mr. A.K. Sharma, Advocates respectively. Affidavit of service has been received in respect of Respondent Nos. 3 & 7 but no one has entered appearance so far.

It is further submitted that the counsel for the Respondent No.1 has filed the counter affidavit. Counsel for the appellants and respondents has not filed the statement of case despite registry letter dt. 16.05.2013. Original record has been received from the Special Court at Mumabai and is available with the registry.

It is further submitted that proviso 32(2) of Order XIX of New SCR 2013 read as " Provided that where as appellant who has entered appearance, does not file a statement of case within the time, as provided in sub-rule(1) it shall be presumed that the respondent does not desire to lodge statement of case in the appeal."

Civil Appeal No. 2579/11

It is submitted that there are thirty-two respondents in the matter. Respondent Nos. 1, 3 and 28 are represented through Mr. Subramonium Prasad, Mr. Anil Srivastav and Mr. Anupam Lal Das, Advocates respectively. Respondent Nos. 2, 4 to 27 and 29 to 32 have been served with Notice of Lodgment of Petition of Appeal but no one entered appearance on their behalf. The service of NLPA is complete in the matter.

It is further submitted that the counsel for the Respondent NO. 28 has filed the counter affidavit. Counsel for the appellant has filed the statement of case. Counsel for the respondent NO.3 and 28 has filed the statement of case but the counsel for the respondent No. 1 has not filed the statement of case so far. Original record has been received from the Special Court at Mumabai and is available with the registry.

It is further submitted that proviso 32(2) of Order XIX of New SCR 2013 read as " Provided that where as respondent who has entered appearance, does not file a statement of case within the time, as provided in sub-rule(1) it shall be presumed that the respondent does not desire to lodge statment of case in the appeal."

The matters above-mentioned are listed before the Ld. Registrar Court for pre-final hearing under Order V(I) Rule 30 of SCR 2013 with this office report.

DATED THIS THE 19TH DAY OF SEPTEMBER, 2014.

ASSISTANT REGISTRAR

Copy to: Mr. Subramnium Prasad, Advocate
Mr. B.V. Balram Das, Advocate
Mr. Anupam Lal Das, Advocate
Mr. A.K. Sharma, Advocate
Mr. Anil Shrivastav, Advocate
Mr. B. Vijayalakshmi Menon, Advocate

ASSISTANT REGISTRAR