

ITEM NO.101

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2853 OF 2002

M/S. MUTHA ASSOCIATES & ORS.

Appellant (s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 2854 of 2002

(With office report)

Civil Appeal NO. 2855 of 2002

Civil Appeal NO. 2856-2857 of 2002

(With office report)

Date: 11/10/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s)

Mr. Mukul Rohtagi, Adv.
Mr. Ranjit Kumar, Adv.
Mr. R.D. Soni, Adv.
Mr. Siddarth Bhatnagar, Adv.
Mr. Prasanjit Keshwani, Adv.
Mr. Satyajit Sahu, Adv.
Mrs V.D. Khanna, Adv.

Mr. Krishnamurthi Swami, Adv.

Mr. U.U. Lalit, Sr. Adv.
Mr. Aniruddha P. Mayee, Adv.
Mr. Charudatta Mahindrakar, Adv.

For Respondent(s)

Mr. C.U. Singh, Sr. Adv.
Mr. Shivaji M. Jadhav, Adv.
Mr. S.K. Jain, Adv.
Mr. Brij Kishor Sah, Adv.
Mr. H.L. Patil, Adv.

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Mr. J.S. Wad ,Adv.
Mr. Ashish Wad, Adv.
Ms. Tamali Wad, Adv.
Ms. Dipti, Adv.

Mr. Shankar Chillarge, Addl.Govt. Adv.
Mr. Sanjay Kharde, Adv.
Ms. Asha Gopalan Nair ,Adv.
Mr. Pratik R. Bombarde, Adv.

Mr. Mukesh K. Giri, Adv.

Mr. Shyam Divan, Sr. Adv.
Ms. Chandan Ramamurthi, Adv.

Mrs. V.D. Khanna, Adv.

UPON hearing counsel the Court made the following
O R D E R

CIVIL APPEAL NO. 2853 OF 2002 : At the outset,

Mr. C.U. Singh, learned senior counsel for the respondent No. 5, submitted that the appellants Nos. 2 and 3 in this Appeal have died long back and that was within the knowledge of the appellants' advocate, but no application for substitution has been made so far. As regards appellant No.

1, Mr. C.U. Singh, learned senior counsel, submitted that the appellant No. 1 is a party in the proceedings as a power of attorney holder of the appellants Nos. 2 and 3 and since the appellants Nos. 2 and 3 have died, the power of attorney does not survive any longer.

Confronted with this, Mr. Mukul Rohtagi and Mr. Ranjit Kumar, learned senior counsel for the appellants, pray for a short time to enable the Advocate-on-Record ³ to seek instructions and make an appropriate application, if so advised.

Let the Appeal be posted for hearing after two weeks.

In case the Advocate-on-Record for the appellants desires to make an application for substitution, the same may be done within three days from today with an advance copy to the Advocate-on-Record for the contesting respondents. Reply to such application may be filed by the contesting respondents within one week therefrom.

Civil Appeal NO. 2854 of 2002; Civil Appeal NO. 2855 of 2002 and Civil Appeal NO. 2856-2857 of 2002

Post these Appeals for hearing along with Civil Appeal No. 2853 OF 2002 after two weeks.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master