

SECTION IV B

Listed on.27.11.2015

Court No.3

IN THE SUPREME COURT OF INDIA Item No.35

CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 29256 OF
2010 AND 14418 OF 2011 AND 6702 OF 2012

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO.5 IN SLP (C)No.29256 OF 2010
(Application for substitution to bring on record LRs. of
deceased Respondent NO. 4 namely Anil Kumar Jain, S/o
Trishla)

AND

INTERLOCUTORY APPLICATION NO.6 IN SLP (C)No.29256 OF 2010
(Application for condonation of delay in filing
substitution application)

AND

INTERLOCUTORY APPLICATION NO.1 IN SLP (C)No.14418 OF 2011
(Application for condonation of delay in filing SLP)

AND

INTERLOCUTORY APPLICATION NO.2 IN SLP (C)No.14418 OF 2011
(Application for substitution to bring on record LRs. of
deceased Respondent NO. 4 namely Anil Kumar Jain, S/o
Trishla)

AND

INTERLOCUTORY APPLICATION NO.3
(Applicatin for condonation of delay in filing
substitution application)

AND

SUO MOTO CRIMINAL PETITION NO.1 OF 2013 in SLP (C) No.
14418 of 2011

IN THE MATTER OF :

In Re :Smt. Satya Devi D/o Niranja Dass Jain,
W/o Shital Prakash Jain,
C/o Mela Ram Amar Nath Jain,
Bazar Sarafan, Hoshiarpur, Punjab

Also at :House No. 338, Sector – 21A,
Faridabad, Haryana

Satya DeviPetitioner(s)

Versus

Surinder Kumar (D) Thr. Lrs. & Ors.Respondent(s)

OFFICE REPORT

SLP (C) No.29256/2010

The matter above mentioned was listed before the

Hon'ble Court on 01.10.2010, when the Court was pleased to pass the following order :-

" Delay condoned.
Issue notice."

Accordingly, show cause notice by Regd. A.D. Post was issued on 27.10.2010. Mr. Rameshwar Prasad Goyal, Advocate has filed Vakalatnama\Memo of Appearance and Counter Affidavit on behalf of Respondent Nos. 1(a)-1(d). Counter Affidavit has been included in the paper books. Respondent Nos. 2, 4(a)-4(d) have been served by Regd. A.D. Post/Publication, but no one has entered appearance on their behalf so far. Respondent No. 3 has expired and their LRs. have been brought on record vide Hon'ble Court's (In Chamber) order dated 13.04.2015 and no one has entered appearance on their behalf so far.

It is further submitted that initially at the time of listing of the matter, counsel for the petitioner has filed an application for substitution to bring on record Lrs. of deceased Respondent No. 4 namely Anil Kumar Jain, S/o Trishla alongwith application for condonation of delay in filing substitution application which is barred by 2407 days. Respondent Nos. 4(a)-(d) are the LRs. of deceased Respondent No. 4 in the matter.

Service of show cause notice is complete.

The matter above mentioned was listed before the Ld. Registrar Court on 30.04.2015, when the following order was passed:-.

" Respondent no. 1(a) to 1(d) have filed the counter affidavit. Service of respondent no. 4(a) and 4(b) and also of legal representative of deceased respondent no. 2 and 3 is complete but none has entered appearance.

Matter stands complete in the given circumstances. Registry to process the matter for listing before the Hon'ble Court as per rules."

SLP (C) No.14418/2011

The matter above mentioned was listed before the

Hon'ble Court on 09.05.2011, when the Court was pleased to pass the following order :-

" Learned counsel for the petitioner submits that in identical matter (i.e. SLP (C) No.29256/2010), notice has been issued by this Court.

Issue notice on the special leave petition as also on the application for condonation of delay.

Tag with SLP (C) No.29256/2010."

Accordingly, show cause notice by Regd. A.D. Post was issued on 15.06.2011. Respondent Nos. 2(a)-(d), 3, 4(a)-(d) have been served by Regd. A.D. Post, but no one has entered appearance on their behalf so far. Respondent No.1 has expired and his LRs. have been brought on record pursuant to Hon'ble Court's (In Chamber) order dated 06.05.2015. Mr. Ajay Kumar Singh, Advocate has on 29.09.2015 filed Vakalatnama and Memo of Appearance on behalf of Respondent No. 1(i), but has not counter affidavit so far. Cause Title have been amended in the paper books.

It is further submitted that initially at the time of listing of the matter, counsel for the petitioner has filed an application for substitution to bring on record Lrs. of deceased Respondent No. 4 namely Anil Kumar Jain, S/o Trishla alongwith application for condonation of delay in filing substitution application which is barred by 2583 days. Respondent Nos. 4(a)-(d) are the LRs. of deceased Respondent No. 4.

Service of show cause notice is complete.

It is submitted that the matter above-mentioned was listed before the Hon'ble Court on 02.01.2013 with office report for directions dated 28.09.2012, when the Court was pleased to pass the following order:

" Issue notice to Smt. Satya Devi, the petitioner, to show cause why appropriate action may not be taken against her for filing a false affidavit regarding service of notice to respondent nos. 6 and 8.

Show cause, if any, may be filed within four weeks from the date of receipt of

notice.

The Registry is directed to register the proceedings arising from this notice as a separate case that may be listed along with the main special leave petition."

Accordingly, show cause notice by speed post to the sole petitioner was issued on 09.01.2013. Counsel for the petitioner has filed reply affidavit to the show cause notice dated 08.01.2013 with Vakalatnama and Memo of Appearance.

The SUO MOTO CRIMINAL PETITION NO.1 in the matter above mentioned was listed before the Hon'ble Court on 15.02.2013, when the Court was pleased to pass the following order :-

"Put up after two weeks."

SLP (C) No.6702/2012

The matter above mentioned was listed before the Hon'ble Court on 13.02.2012, when the Court was pleased to pass the following order :-

" Issue notice on the special leave petition as also on the application for condonation of delay.

Tag with SLP (C) No.29256/2010."

It is submitted that show cause notice was issued to Respondent Nos. 1-10. Respondent Nos. 1 to 5 & 7 to 10 have been served.

It is further submitted that Respondent No. 6 namely Vidya Sagar has died. Mr. Merusagar Samantaray, Advocate for the petitioner has filed an application for bringing on record the Lrs. of deceased Respondent No. 6 alongwith applications for condonation of delay & setting aside abatement which are regd. as I.A. Nos. , 7 & 8 and the same is updated for Chamber.

The matters above mentioned were lastly listed before the Hon'ble Court on 09.09.2013 with office report dated 07.09.2013, when the Court was pleased to pass the following order :-

" To be notified after the service is complete."

The matters, alongwith applications are, listed before the Hon'ble Court Court with this office report.

Dated this the 24th day of November, 2015.

ASSISTANT REGISTRAR

Copy to:-Mr. Merusagar Samantaray, Adv.
G-52, Gulmohar Enclave,
New Delhi-110049

Mr. Rameshwar Prasad Goyal, Adv.
4, Lawyer's Chamber,
Supreme Court of India.

ASSISTANT REGISTRAR

YKS/Mty