

Chamber Matter

Listed on: 30.01.2017

Court No.

Item No.

Section XI-A

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

INTERLOCUTORY APPLICATION NOS. 4-6

(Applications to substitute/implead the applicant viz H.H. Baseliouse Marthoma Poulouse in place of Appellant No. 1)

IN

C.A. NOS. 6263-6265 of 2001

WITH

INTERLOCUTORY APPLICATION NO. 7

(Application for impleadment in C.A. No. 6263 of 2001 filed by Mr. Vishnu Sharma, Advocate)

AND

INTERLOCUTORY APPLICATION NO. 8

(Application for impleadment in C.A. No. 6263 of 2001 filed by Mr. A. Raghunath, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 9 TO 11 AND 12 TO 14

(Application for permission to file additional documents in C.A. Nos. 6263-6265 of 2001 filed by M/s.. E.M.S. Anam and A. Raghunath, Advocates respectively)

WITH

INTERLOCUTORY APPLICATION NO. 2

(Application to substitute/implead the applicant viz H.H. Baseliouse Marthoma Poulouse in place of Appellant Nos. 1 and 2 in C.A. No. 6266 of 2001)

AND

INTERLOCUTORY APPLICATION NO. 3 IN C.A. NO. 6266 OF 2001

(Application for permission to file additional documents in C.A. No. 6266 of 2001 filed by Mr. A. Raghunath, Advocate)

Mathews Mar Koorilos (dead) through LRs. & Ors.

...Appellants

Versus

M. Pappy (Dead) & Anr. Etc.

...Respondents

OFFICE REPORT

The matters above mentioned were mentioned before the Hon'ble Court on 16th August, 2016, when the Court was pleased to pass the following order:

“At joint request, list after three weeks.

In the meantime, learned counsel for the appellant is at liberty to file additional documents as were available on the record of the High Court.”

C. A. Nos. 6263-6265 of 2001

It is submitted for the information of the Hon'ble Court that Mr. E.M.S. Anam, counsel for the Appellant has filed an application to substitute/implead the applicant namely H.H. Baseliouse Marthoma Poulouse alongwith vakalatnama/appearance in place of Appellant No. 1 namely Poulouse Mar Pachomios. The same is barred by time by 831 days and the counsel has prayed for condonation of delay in filing substitution and setting aside abatement. The same has been registered as I.A. Nos. 4 to 6.

It is further submitted that Mr. Vishnu Sharma, Advocate has on 03.01.2015 filed an application to implead the applicant as Party Respondent in C.A. No. 6263 of 2001 alongwith the Vakalatnama/Appearance (Registered as I.A. No. 7) and Mr. A. Raghunath, counsel for the Respondent has on 29.1.2015 filed application for impleadment and the same has been registered as I.A. No. 8 (copy of the same have already been included in the appeal paper books for the kind perusal of the Hon'ble Court).

C. A. Nos. 6266 of 2001

It is further submitted that Mr. E.M.S. Anam, counsel for the Appellant has filed an application to substitute/implead the applicant namely H.H. Baseliouse Marthoma Poulouse alongwith vakalatnama/appearance in place of Appellant Nos. 1 and 2. The same is barred by time by 3152 days in respect of Appellant No. 1 and 2041 days in respect of Appellant No. 2 and the counsel has prayed for condonation of delay in filing substitution and setting aside abatement. The same has been registered as I.A. No. 2.

It is further submitted that Respondents namely M. Pappy and T. Baby common Respondents in all the appeals above-mentioned have since died and pursuant to order dated 29.10.2014 notice for publication in Malayam Manorama notifying the demise of the aforesaid two persons and inviting any one interested in the suit property for being substituted in place of the deceased-defendants which is a widely circulated vernacular daily in the State of Kerala. Counsel for the Appellant has filed proof of publication in C.A. Nos. 6263-6265 of 2001, but no one has filed any application to substitute their names on their behalf so far in all the appeals.

The matters above mentioned were listed before the Hon'ble Court on 7th September, 2001, when the Court was pleased to pass the following order:

“Leave granted. There shall be stay of operation of the judgment of the Division Bench of the High Court.

It is further submitted that pursuant to order dated 16.08.2016 Mr. E.M.S. Anam, counsel for the Appellant has on 07.09.2016 filed an application for permission to file additional documents in C.A. No. 6263-6265 of 2001 which is registered as I.A. Nos. 9 to 11 and Mr. A. Raghunath, counsel for the Respondent has on 18.11.2016 filed application for permission to file additional documents in C.A. No. 6263-6265 of 2001 and 6266 of 2001 which are registered as I.A. No.s 12-14 in C.A. No. 6263-6265 of 2001 and I.A. No. 3 in C.A. No. 6266 of 2001 respectively. The same are placed with appeal paper books for the kind perusal of the Hon'ble Court.

The applications in the matters above-mentioned are listed before the Hon'ble Judge in Chambers with this Report.

Dated this the 23rd day of December, 2016.

Sd/-
ASSISTANT REGISTRAR