

SECTION : XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 9367-69/2011, 79-82, 83-84, 192-196/2012,
SLP(C) No. 20638/2015, C.A. Nos. 5164, 3151/2012 & 1127-28/2013

WITH

INTERLOCUTORY APPLICATION NOS. 21-24 & 25-28 in C.A. Nos.
79-82/2012

(Application for deletion of performa respondents and application
for permission to file additional documents)

SECR., MINISTRY OF DEFENCE

...PETITIONER

VERSUS

BABITA PUNIYA & ANR.& ETC.

...RESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 08.10.2015 when the Court was pleased to pass the following Order:-

"Civil Appeal No.5956 of 2015 is to be de-linked and post for hearing on 13th October, 2015.

List rest of the matters in the month of January, 2016."

It is further submitted that the matters above-mentioned were listed before the Court of Ld. Registrar on 27.11.2015 when the Court was pleased to pass the following order:-

"C.A. No. 9367/2011

The learned counsel for the appellant shall within a period of four weeks file the fresh particulars of the respondent No. 1 and he shall also take appropriate steps for the issuance of NLPA to him within the same period.

C.A. Nos. 9368,9369/2011 ,79-82,83-84/2012

Being ready matters list these matters before the Hon'ble Court under the rules.

C.A. Nos. 192-196 and 5164/2012

Await appellant in alternative arrangements.

SLP(C) No. 20638/2015

Await the return of the service of notice already issued to the unserved respondents.

C.A. No. 3151/2012

Four weeks time, as last chance is given to the learned counsel for the appellant to comply with the terms of the order dated 21.8.2015 of this Court.

C.A. No. 1127/2013

Await certificate of service in respect of respondent Nos. 2 to 5.

C.A. No. 1128/2013

The learned counsel for the appellant shall within a period of four weeks file the fresh particulars of the sole respondent and he shall also take appropriate steps for the issunace of NLPA to him within the same period.

List again on 5.2.2016."

Service position is as under:-

C.A. No. 9367/2011:-

It is submitted that there are 28 respondents in this appeal. Respondent No. 1 is represented by Mrs. Rekha Palli, Advocate, who has been since designated as a Senior Advocate. Accordingly, notice for Alternative arrangement was issued to respondent No. 1 by special messenger. Unserved cover containing notice has been received from respondent No. 1 with postal remarks "Incomplete address". Certificate of service has been received from the High Court in respect of respondent No. 2 but no one has entered appearance so far. Respondent Nos. 3 to 27 are represented by Mr. Harish Pandey, Advocate. Respondent No. 28 has been deleted vide Court's Order dated 16.07.2015. Service of notice of lodgment of petition of appeal is not complete on respondent No. 1.

C.A. No. 9368/2011:-

It is submitted that there are 30 respondents in this appeal. Respondent Nos. 1, 2, 3, 5 to 30 are represented by Mr. Harish Pandey, Advocate. Certificate of service has been received from the High Court in respect of respondent No. 4 but no one has entered appearance so far. Service of notice of lodgment of petition of appeal is complete.

C.A. No. 9369/2011:-

It is submitted that there are 46 respondents in this appeal. Respondent Nos. 1 to 16, 18, 20 to 46 are represented by Mr. Harish Pandey, Advocate. Certificate of service has been received from the High Court in respect of respondent Nos. 17 & 19 but no one has entered appearance so far. Service of notice of lodgment of petition of appeal is complete.

C.A. Nos. 79-82/2012:-

It is submitted that there are 11 respondents in these appeals. Respondent Nos. 1 to 4 are contesting respondents and are represented by Mr. B. V. Balaram Das, Advocate. Counsel for the appearing parties have not filed statement of case so far.

It is further submitted that the applications for directions (I.A. Nos. 17-20) in the appeals above-mentioned were listed before the Hon'ble Court on 07.09.2015 when the Court was pleased to pass the following Order:-

"One week's time is granted to the respondent-Union of India to file reply to the IA."

It is further submitted that Mr. B. V. Balaram Das, Advocate has on 11.09.2015 filed counter affidavit alongwith Annexures R-1 to R-6 in application for directions (I.A. Nos. 17-20) and the same has been included in I.A. paper books.

It is further submitted that Mr. Sridhar Potaraju, Advocate for the appellants has on 23.09.2015 and 01.10.2015 filed application for deletion of rest of the performa respondents and application for permission to file additional documents (regd. as I.A. Nos. 21-24 & 25-28 respectively) and the same have been placed with appeal paper books.

It is lastly submitted that Mr. B. V. Balaram Das, Advocate has on 05.10.2015 filed counter affidavit on behalf of respondent Nos. 1 to 4 and the same has been placed with appeal paper books.

C.A. Nos. 83-84/2012:-

It is submitted that there are 13 respondents in these appeals. Respondent Nos 1 to 4 are represented by Mr. B. V. Balaram Das, Advocate. Name of performa respondent Nos. 5 to 13 have been deleted vide Hon'ble Chamber Judge Order dated 05.01.2015 passed in I.A. Nos. 8-9.

It is further submitted that counsel for the appellant has filed statement of case but counsel for the appearing respondents has not filed statement of case so far.

It is lastly submitted that Mr. B. V. Balaram Das, Advocate has on 05.10.2015 filed counter affidavit on behalf of respondent Nos. 1 to 4 and the same have been placed with appeal paper books.

C.A. No. 192-196/2012:-

It is submitted that there are 4 respondents (common) in these appeals and all are represented by Mr. B. V. Balaram Das, Advocate.

It is further submitted that notice for alternative arrangement was issued to the appellants as Mrs. Rekha Palli, erstwhile Advocate for the appellants has been designated as Senior Advocate. A.D. cards duly signed have been received back in respect of appellant Nos. 3, 6, 10 & 12 in C.A. No. 192/2012, appellant No. 2 in C.A. No. 193/2012 and appellant No. 1 in C.A. No. 194/2012 but no one has entered appearance so far. Unserved envelopes have been received back in respect of appellant Nos. 2, 5, 7 & 9 in C.A. No. 192/2012, appellant Nos. 1, 3 & 4 in C.A. Nos. 193/2012, appellant Nos. 1, 2 & 4 in C.A. No. 194/2012 and appellant Nos. 1 & 2 in C.A. Nos. 196/2012 with postal remarks "left". Ms. Aishwarya Bhati, Advocate has filed vakalatnama/appearance on behalf of appellant Nos. 7 to 9 in C.A. No. 192/2012, 5 to 7 in C.A. No. 193/2012, 2 to 5 in C.A. No. 194/2012, 1 to 3 in C.A. No. 195/2012 and 1 to 4 in C.A. No. 196/2012. Mr. Deepak Goel, Advocate has filed vakalatnama/appearance on behalf of appellant Nos. 1, 2, 4 & 5 in C.A. Nos. 192/2012 and appellant Nos. 1, 3 & 4 in C.A. No. 193/2012.

Service of notice of alternative arrangement is not complete on appellant Nos. 3 & 11 in C.A. No. 192/2012 appellant Nos. 8 to 11 in C.A. No. 193/2012, appellant Nos. 7 to 10 in C.A. No. 194/2012, appellant Nos. 4 to 7 in C.A. Nos. 195/2012 and appellant Nos. 5 to 8 in C.A. No. 196/2012.

It is lastly submitted that Mr. B. V. Balaram Das, Advocate has on 05.10.2015 filed separate counter affidavits in the appeals and in I.A. No. 26 and the same have been placed with appeal paper books.

SLP(C) No. 20638/2015:-

It is submitted that pursuant to Court's order dated 20.07.2015, show cause notice to all the 7 respondents was issued on 03.08.2015 by regd. A.D. Unserved cover has been received from respondent No. 7 with postal remarks "No such person resides on this address". Neither A.D. card nor unserved cover has been received from respondent Nos. 1 to 6 so far.

Service is not complete.

C.A. No. 5164/2012:-

It is submitted that there are 13 respondents in this appeal. Service of notice of lodgment of petition of appeal is complete on respondent Nos, 1 to 4, 7, 9, 12 & 13. Respondent Nos. 2 to 4 are represented by Mr. B. V. Balaram Das, Advocate. No one has entered appearance on behalf of respondent Nos. 1, 7, 9, 12 and 13 so far though served with notice.

It is further submitted that Mr. Deepak Goel, Advocate has filed vakalatnama/appearance on behalf of appellant as the erstwhile Advocate Mrs. Rekha Palli has been designated as Senior Advocate.

It is lastly submitted that Mr. B. V. Balaram Das, Advocate has on 05.10.2015 filed counter affidavit on behalf of respondent Nos. 1 to 4 and the same have been placed with appeal paper books.

C.A. No. 3151/2012:-

It is submitted that there are 13 respondents in this appeal. Respondent Nos. 1 to 4 & 7 are represented by M/s. B. V. Balaram Das and Sridhar Potaraju, Advocates respectively. Certificate of service has been received from the High Court. Service is complete in respect of respondent Nos. 8, 12 and 13 but no one has entered appearance on their behalf so far. Service is not complete in respect of respondent Nos. 5, 6, 9, 10 and 11 as they have shifted from that place.

It is further submitted that for non-completion of service on respondent Nos. 5, 6, 9, 10 & 11 the appeal above-mentioned was listed before the Court of Ld. Registrar on 15.05.2015 and again on 21.08.2015 when the Court was pleased to pass the following order:-

"The ld. Counsel, Mr Mukesh Kumar Singh appearing on behalf of Mr B.V.Balram Das, Advocate-on-record has appeared for respondent nos. 1 to 4. It is mentioned that vakalatnama has already been filed on behalf of these respondents. Time is requested for pleadings. Ld. Counsel for the appellant to provide the same within one weeks time and file proof thereof. Counter affidavit be filed within four weeks thereafter.

With respect to respondent nos. 5,6,9,10 and 11, notices have not been issued. Appellant though has provided the spare copies but the fresh address of these respondents is also to be provided by the appellant. Appellant to provide the same within three weeks time. Notices thereafter be issued.

List again on 30.10.2015."

It is further submitted that despite the aforesaid order, counsel for the appellant has not furnished the latest and correct address of respondent No. 5, 6, 9, 10 & 11 so far. Hence, notice to those respondents could not be issued.

Service is not complete on respondent Nos. 5, 6, 9, 10 & 11.

It is lastly submitted that Mr. B. V. Balaram Das, Advocate has on 05.10.2015 filed counter affidavit on behalf of respondent Nos. 1 to 4 and the same have been placed with appeal paper books.

C.A. Nos. 1127-28/2013:-

It is submitted that there are 5 respondents in C.A. No. 1127/2013 and sole respondent in C.A. No. 1128/2013. respondent No. 1 is represented by Mr. Harish Pandey, Advocate. Certificate of service has been received unserved from respondent Nos. 2 to 5 with postal remarks 'Official at Delhi Cantt, Army Office intimated that the addresses are incomplete. Name of state is not give, 56 APO is in every state of India".

It is further submitted that pursuant to Ld. Registrar's Order dated 08.09.2015, counsel for the appellant has filed

fresh address in respect of respondent Nos. 2 to 5 but he has not filed fresh address in respect of sole respondent in C.A. No. 1128/2013. Notice has been issued to the High Court on 24.09.2015 in respect of respondent Nos. 2 to 5.

Service is not complete in respect of respondent Nos. 2 to 5 and sole respondent in C.A. No. 1128/2013.

It is lastly submitted that for non-completion of service, the matters above mentioned were listed before the Court of Ld. Registrar on 29.09.2015 when the Court was pleased to pass the following Order:-

"The office report is that by order dated 14.09.2015 of the Hon'ble Court the matter has been directed to be listed before the Hon'ble Court on 08.10.2015 at the top of the Board. Hence, list accordingly."

The matters above mentioned are listed before the Hon'ble Court with this office Report.

DATED THIS, THE 6th DAY OF JANUARY, 2016.

ASSISTANT REGISTRAR.

Copy to:
Mr. B. V. Balaram Das, Adv. Ch. No.
Mr. Harish pandey, Adv. Ch. No.
Mr. Shekhar Kumar, Adv. Ch. No.
Mr. Kamlendra Mishra, Adv.

ASSISTANT REGISTRAR.