

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. 4099 OF 2000

SHANKARA CO-OP. HOUSING SOCIETY LTD.

Appellant (s)

VERSUS

M. PRABHAKAR & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.,  
directions, intervention, impleadment, permission to file additional  
documents and deletion of the name)

WITH

Civil Appeal NO. 4101 of 2000

(With appln. For intervention and directions and substitution of  
deceased petitioner and c/delay in filing substitution  
application and impleadment with office report)

Civil Appeal NO. 4100 of 2000

(With appln. For permission to file additional documents and  
impleadment and with office report)

SLP(C) NO. 6964 of 2001

(With appln. for intervention and c/delay in filing SLP and  
impleadment)

Date: 30/03/2010 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)

In CA 4099/2000 Ms. C.K. Sucharita, Adv.

In CA 4101/2000 &  
rr in CA 4099/2000

Mr. C Mukund, Adv.  
Ms. F.N. Wani, Adv.  
Mr. Bijoy Kumar Jain, Adv.

In CA 4100/2000

Mr. Ramesh N Keshwani, Adv.  
Mr. Ram Lal Roy, Adv.

For Applicant(s)

Mr. P Venkat Reddy, Adv.  
Mr. B Rama Murthy, Adv.

CA 4099/2000...Etc...contd...It. 103, Ct.6, Dt. 30/3/2010)

..2/-

: 2 :

For Respondent(s)

State of A.P.

Mr. T.V. George, Adv. (NP)

Ms. Asha G Nair, Adv.

Mr. Farrukh Rasheed, Adv.  
Mr. V.N. Raghupathy, Adv.

Mr. P Venkat Reddy, Adv.  
Mr. B Ramamurthy, Adv.  
Ms. T Anamika, Adv.

Mr. Chirag M Shroff, Adv.  
Mr. Dattatray Vyas, Adv.  
Mrs. Mahima Shroff, Adv.

Mr. Lokesh K Choudhary, Adv.  
Mrs. Sumita Ray, Adv.

Mr. M. Srinivas R Rao, Adv.  
Mr. Abid Ali Beeran P., Adv.  
Mr. John Mathew, Adv.

In CAs.4101&  
4100, 4099/2000

Mr. D Mahesh Babu, Adv.

In SLP 6964/2001

Mr. C.S.N. Mohan, Adv.

Ms. Neeru Vaid, Adv.

M/s Lawyers' Knit & Co., Adv. (NP)

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

I.A. Nos.7,8 & 10 In C.A. No. 4101/2000 and I.A. No.  
17 In C.A. No. 4099/2000

By these applications, the applicants pray for  
impleadment/substitution as parties in appeal Nos. 4101  
and 4099 of 2000 in place of Smt. Ishwari Bai,  
appellant in C.A. No. 4101 of 2000 and respondent No.  
17 In C.A. No. 4099 of 2000.

..3/-

CA 4099/2000...Etc...contd...It. 103, Ct.6, Dt. 30/3/2010)  
: 3 :

Having heard learned counsel for the applicants  
in I.A. Nos 7 & 8 in C.A. No. 4101 of 2000, we are of  
the view that these applications are utterly  
misconceived. Admittedly, Smt. Ishwari Bai had expired  
on 6th August, 1999, long before the filing of the  
present appeals. As per the memo of parties name,  
appeal has been preferred in the name of Smt. Ishwari  
Bai through her General Power of Attorney holder, Shri  
Thakur Madanani. There is no gain-saying that after  
the death of Smt. Ishwari Bai, her General Power of  
Attorney holder had no locus standi to file the present  
appeal in her name. In that view of the matter, prayer  
for substitution in place of deceased Smt. Ishwari Bai  
is rejected and I.As. are dismissed accordingly.

In view of the fact that we have dismissed the  
applications for substitution on merits, the  
application seeking condonation of delay in filing the  
said application is rendered infructuous and is  
dismissed accordingly.

Amended memo of parties names be filed.

I.A. Nos. 16 In C.A. No. 4099 of 2000

In view of the order passed in I.A. Nos.7,8 & 10  
In C.A. No. 4101/2000 and I.A. No. 17 In C.A. No.  
4099/2000, this application is rendered infructuous and  
is disposed of accordingly.

..4/-

CA 4099/2000...Etc...contd...It. 103, Ct.6, Dt. 30/3/2010)  
: 4 :

I.A. Nos. 3 & 9 In C.A. No. 4101/2000, I.A. Nos. 5 & 15  
In C.A. No. 4099/2000, I.A. No. 5 In C.A. No. 4100/2000  
and I.A. Nos. 2 & 8 in SLP No. 6964/2001

By these applications the applicants pray for being impleaded as respondent(s) in the appeals as well as in the special leave petition or in the alternative to be permitted to intervene in the said matters for being heard at the time of final hearing. The applicants do not propose to file any additional pleadings. Learned counsel for the appellants in all the appeals submit that they have no objection if the applicants are permitted to intervene in the afore-noted appeals.

Accordingly, the applications are allowed to the extent that all the applicants will be permitted to address the Court at the time of final hearing of the appeals but they are not permitted to file any further pleadings in these cases.

I.A. Nos. 3 & 4 In SLP(C) 6964/2001

In the report submitted by the Registrar, it is stated that name of respondent No. 4 has since been deleted from the array of parties and vakalatnama on behalf of legal representatives of respondent Nos. 8 and 13 have been filed. In view of the said report, both the applications stand disposed of.

All applications seeking permission to file additional documents are allowed, subject to just exceptions. Only those documents shall be taken on record which formed part of the lower courts records.

..5/-

CA 4099/2000...Etc...contd...It. 103, Ct.6, Dt. 30/3/2010)  
: 5 :

I.A. No. 6 In C.A. No. 4100 of 2000

As per report submitted by the Registrar, P.M. Rao, General Power of Attorney of Hasanand has died but no application for substitution has been filed on his behalf. From the amended cause title we find that the appeal had been filed by P.M. Rao as Power of Attorney Holder of Hasanand. Learned counsel appearing on behalf of Hasanand submits that application for substitution has now been filed and vakalatnama has also been filed on behalf of Hasanand and, therefore, he proposes to prosecute the said appeal in his own name. Accordingly, I.A. No. 6 is allowed. Amended memo of parties name shall be filed within two days. We may also record that according to learned counsel for Hasanand, wherever Hasanand is represented through P.M. Rao, he shall be prosecuting the matter on his own and requisite vakalatnama shall be filed in this behalf.

I.A. No. 18 In C.A. No. 4099/2000

I.A. No. 18 is disposed of in terms of order passed in I.A. No. 6 In C.A. No. 4100 of 2000.

In C.A. No. 4099/2000

It is pointed out by learned counsel that Dr. P.M. Rao who had filed the present appeal as Secretary of the Appellant-Society has since expired. In view of the statement, learned counsel appearing on behalf of society prays for time to file fresh vakalatnama on behalf of appellant-society. Let the

needful be done within four weeks.

..6/-

CA 4099/2000...Etc...contd...It. 103, Ct.6, Dt. 30/3/2010)

: 6 :

List all the appeals and SLP for hearing after  
four weeks.

[ Charanjeet Kaur ]  
Court Master

[ Pushap Lata Bhardwaj ]  
Court Master