

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). 4099 OF 2000
BEFORE THE REGISTRAR ASHOK MENON

SHANKARA CO-OP. HOUSING SOCIETY LTD. Appellant (s)

VERSUS

M. PRABHAKAR & ORS. Respondent(s)

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

WITH Civil Appeal NO. 4100 of 2000
(With office report)
Civil Appeal NO. 4101 of 2000
(With office report)
SLP(C) NO. 6964 of 2001
(With office report)

Date: 04/02/2010 This Appeal was called on for hearing today.

For Appellant(s)

Ms. C.K. Sucharita,Adv.
Mr.T.V.George,Adv.
Mr. Bijoy Kumar Jain,Adv.
Mr. R.N. Keshwani,Adv.
Mr. Ram Lal Roy,Adv.

For Respondent(s)

Mr. Manoj Saxena,Adv.
Mr.T.V.George,Adv.
Mrs. Sumita Ray ,Adv
Mr. D.N. Ray,Adv.
Ms. Asha Gopalan Nair ,Adv
Mr. D. Mahesh Babu ,Adv

...2/-

Item No.115

: 2 :

Mr. V.N. Raghupathy ,Adv
M/S. Lawyer'S Knit & Co ,Adv
Mr. John Mathew ,Adv
Mr.Chirag M.Shroff ,Adv
Mr. Bijoy Kumar Jain ,Adv
Mr. Avneesh Garg,Adv.
Mrs.D. Bharathi Reddy,Adv.
Ms. Anuradha Rustagi,Adv.

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

Report submitted in accordance with the order of the
Hon'ble Court dated 12.1.2010.

The Hon'ble Court has passed the following order on
12.1.2010 :-

"It is pointed out by counsel for some of the
parties that some of the respondents as well as
appellants have expired during the pendency of these
appeals. It is pointed out that few applications for
bringing on record the legal representatives of the
deceased are also pending disposal. However, complete
information in this regard is not immediately available.

Under the circumstances, let the matters be listed
before the Registrar, who with the assistance of the
learned counsel for the parties, will submit a report
about the pendency of the applications that have already
been filed and those which need to be filed for bringing
on record the legal representatives of the parties to
these appeals, who have since expired as well as the
details of all the pending appeals in this batch of
cases. The report shall be submitted within four weeks.

While submitting the report the Registrar may also
take into account the office reports on record."

....3/-

Item No.115 : 3 :

The matters were listed before the Registrar's Court on
18.9.2009. The counsel for the parties requested
for opportunity to file application for substitution in
r/o deceased appellants/respondents and hence time was granted and
the matters listed again on 4.2.2010. However, the parties
did not take any steps for substitution. Hence, the report in
compliance with the order of the Hon'ble Court is be
ing submitted herewith.

C.A. No.4099 of 2000

There are 32 respondents in this appeal. Respondent Nos. 1
to 3, 5 to 7, 9 to 11, 13 to 15, 18 and 20 to 32 have appeared
and filed Vakalatnama. The legal representatives of deceased
respondent Nos. 8 and 16 have also appeared and fi
led
Vakalatnama. The name of respondent No. 4 has been deleted
from the array of the parties vide order of the Hon'ble Court.
Respondent Nos. 12 and 19 did not appear though served with
notice. Respondent No.17, namely, Eswari Bai, and respondent
No. 19, namely, P.M. Rao have died.
The following Interlocutory applications are pending :-

1. I.A. No. 16 has been filed by the counsel for
the appellants Ms. C.K. Sucharita, advocate to get the name
of the deceased respondent No. 17 namely Eswari
Bai

deleted from the array of the parties.

2. I.A. No.4 has been filed by Ms. C.K. Sucharita, advocate
for the appellant for permission to file additional
documents (placed in appeal Paper Books as pages 1 to
13).

3 I.A. No. 9 to 14 have been filed by Mr. T.V. George,
advocate for respondent Nos. 12 to 15 for permission to
...

.4/-

Item No.115 : 4 :

file additional documents and for exemption from filing
official translation of Annexures A-1 to A-8 (placed in
appeal Paper Books as pages 1 to 47).

4. I. A. No. 5 has been filed by Ms. T. Anamika, advocate
for intervention.

5. I. A. No. 15 has been filed by Ms. Sumita Ray,
advocate for impleadment.

6. Unregistered application has been filed by Mr. Chirag
M. Shroff, advocate for directions on behalf of Mr. Thakur
Madnani who was the G.P.A. Holder of deceased Eshwari Bai. The
applications have not been numbered. The Registry has pointed
out a defect stating that Mr. Bijoy Kumar Jain, advocate had
earlier filed Vakalatnama for deceased Eswari Bai represented
by the said G.P.A holder and that Mr. Chirag M. Shroff,
advocate has not obtained "No objection" from the said earlier
advocate. (The unregistered applications are placed in the
appeal Paper Books as pages 1 to 22 and 1 to 23 respectively.)

Application to be filed

Respondent No. 19 P.M. Rao, had died and no application for
substitution has been filed. Counsel appearing for the
appellant has sought time to file application.

C.A No.4101 of 2000

There are 29 respondents in this appeal. Respondent Nos. 1
to 3, 5 to 7, 9 to 11 and 19 to 29 have appeared and filed
Vakalatnama. The legal representatives of deceased respondent
Nos. 8 and 16 have also appeared and filed Vakalatnama.

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Item No.115 : 5 :

Respondent No. 4 has been deleted from the array of the parties
vide order of the Hon'ble Court. Respondent Nos. 12 to 15 and
17 did not appear though served with notice.

There are three appellants and appellant No. 1 namely
Eswari Bai is dead. Respondent No. 17 (P.M.Rao) who was served
with notice and did not appear is now reported to be dead.

Applications filed

1. I.A. Nos. 7 and 8 have been filed by Mr. Bijoy Kumar
Jain, advocate for the appellant for substitution of deceased
appellant No. 1, namely, Eswari Bai and for condoning delay
in filing the substitution application (placed in appeal Paper
Books as pages 1 to 125).

2 I.A. No. 9 is filed by Ms. Sumita Ray, advocate for impleadment (placed in appeal Paper Books as pages 1 to 19).

3 I.A. Nos.3 is filed by Ms. T. Anamika, advocate for intervention.

4. Unregistered application filed by Mr. Chirag M. Shroff , advocate for the erstwhile G.P.A. Holder of 1st appellant Eswari Bai for directions, which has not been registered for the reason mentioned earlier.
Application to be filed

Application for substitution has to be filed to bring on record the legal representatives of deceased Respondent No. 17 (P.M. Rao). Counsel for the appellant has sought time.
C.A. No. 4100 of 2000

There are 32 respondents in this appeal.

Respondent Nos. 1

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Item No.115

: 6 :

to 3, 5 to 7, 9 to 11, 18 to 32 have appeared and filed Vakalatnama. Legal representatives of deceased respondent Nos. 8 and 16 have also filed Vakalatnama. Respondent No. 4 has been deleted from the array of the parties vide order of the Hon'ble Court. Respondent Nos. 12 to 15 have been served but did not appear. Respondent No.17 Eswari Bai and the sole appellant P.M. Rao have died.

Interlocutory applications filed

1. I.A. No. 3 has been filed for permission to file additional documents.
2. I. A. No. 5 has been filed by Ms. Sumita Ray, advocate for impleadment (placed in appeal Paper Books as pages 1 to 19)

Applications to be filed

Applications are to be filed for substitution in r/o deceased sole appellant P.M. Rao and deceased respondent No. 17 Eswari Bai for which the counsel for the appellant seeks time.

SLP(C)No.6964 of 2001

There are 30 respondents in this petition. Respondent Nos. 1 to 3, 5 to 7, 9 to 11 and 17 to 30 have appeared and filed Vakalatnama and legal representatives of deceased respondent Nos. 8 and 13 have also appeared and filed Vakalatnama. Respondent Nos. 12, 14(A), 14(B), 15(A) and 15(B) have been served but they have not appeared. Respondent No. 16 Eswari Bai, respondent No. 18 P.M. Rao, have died.

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Item No.115

: 7 :

Interlocutory application filed

1. I.A. No. 1 is filed by the petitioner for condoning delay in filing SLP.
2. I.A. No. 2 has been filed by Ms. T. Anamika, advocate for intervention.

3. I. A. No. 3 has been filed by Ms. Sumita Ray, advocate for impleadment.

Applications to be filed

Respondent Nos. 16 and 18 namely Eswari Bai and P.M. Rao have died and applications for substitution to be filed. Counsel seeks time.

Mr. Chirag M. Shroff, advocate has submitted that directions may be given to the office to number the applications filed by him in C.A. Nos. 4099 of 2000 and 4101 of 2000 since those applications are independently filed by the erstwhile G.P.A. holder of Eswari Bai and therefore the defect that " No objection" has not been obtained by the counsel now representing the G.P.A. Holder from the earlier counsel for deceased Eswari Bai does not stand in the way of numbering the applications. I agree with the learned counsel and direct the Registry to number those applications and list them along with the main matters for consideration before the Hon'ble Court.

I humbly submit the above Report before the Hon'ble Court for necessary action.

(ASHOK MENON)
Registrar