

SECTION IV B Listed on 29.04.2014

Court No.

IN THE SUPREME COURT OF INDIA Item No.

CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 19174, 19410, 19457 AND 19464 OF 2010, 18930-32 OF 2012 AND 16526 OF 2013.

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NOS. 2-4 IN SLP NO. 19464/2010

(Application for substitution to bring on record the Lrs. of deceased respondent nos. 15 and 21 namely Chet Ram, Govind Rai Juneja and Rambir Singh)

AND

INTERLOCUTORY APPLICATION NOS. 2-4 IN SLP NO. 19464/2010

(Application for condonation of delay in filing substitution application)

AND

INTERLOCUTORY APPLICATION NOS. 1 & 2 IN SLP NO. 16526/2013

(Application for condonation of delay in filing and refiling the SLP)

AND

INTERLOCUTORY APPLICATION NOS. 4-6 in SLP NO. 18930-32 OF 2012

(Application for stay)

Haryana State Elec. Board Haryana Vidyut

Prasaran Nigam Ltd. & Anr.Petitioner(s)

Versus

Gulshan Kumar & Ors.Respondent(s)

OFFICE REPORT

SLP Nos. 19174, 19410, 19457 and 19464/2010

The matters above mentioned were listed before the Hon'ble Court on 09.07.2010, when the Court was pleased to pass the following order:-

" Delay condoned.

Issue notice on the question as to whether the respondents have been given any benefit over and above that which has been allowed by the Civil Court (Junior Division), Faridabad, vide its Original Decrees dated 17th November, 2000 in Civil Suit No. 180/1999, 14th August, 2001 in Civil Suit No. 181/1999, 17th November 2000 in

Civil Suit No. 150/1999 and 5th October, 2000 in Case No. 88/99, as affirmed by this Court."

Accordingly show cause notice by courier was issued on 28.07.2010, 02.08.2010 and 29.07.2012 respectively.

Service position of each matter is as under:

SLP No. 19174/2010

It is submitted that there are total seven respondents. Mr. Rishi Malhotra, Advocate has filed Vakalatnama & Memo of Appearance on behalf of respondent no. 1, but has not filed Counter Affidavit so far. Respondent Nos. 2-7 have been served by registered A. D. Post/dasti, but no one has entered appearance on their behalf so far.

Service of show cause notice is complete.

SLP No. 19410/2010

It is submitted that Mr. Rishi Malhotra, Advocate has filed Vakalatnama & Memo of Appearance on behalf of sole respondent but has not filed Counter Affidavit so far.

Service of show cause notice is complete.

SLP No. 19464/2010

It is submitted that Mr. Rishi Malhotra, Advocate has filed Vakalatnama & Memo of Appearance on behalf of sole respondent but has not filed Counter Affidavit so far.

Service of show cause notice is complete.

SLP No. 19464/2010

It is submitted that there are total 21 respondents in the instant matter. Mr. Rishi Malhotra, Advocate has filed Vakalatnama & Memo of Appearance on behalf of Respondent No. 1 but has not filed Counter Affidavit so far. Respondent Nos. 2-5, 7-14 & 16-20 have been served by registered A. D. Post/Dasti, but no one has entered appearance on their behalf so far.

It is further submitted that Respondent Nos. 6, 15 and 21 are

dead. Counsel for the petitioner had on 28.9.2010 filed three applications for substitution to bring on record, Lrs. of deceased respondent Nos. 6, 15 and 21 namely Chet Ram, Gobind Rai Juneja and Ranbir Singh alongwith application for condonation of delay in filing substitution application. There is delay of 1278, 703 & 1116 days. Notice of motion had been endorsed to counsel for the petitioner on 11.12.2010 and was directed to file affidavit with proof of service of notice of motion.

It is further submitted that counsel for the petitioner had on 19.3.2013 filed affidavit with proof of service of notice of motion. Notice of Motion has been served on all the proposed Lrs. of deceased respondent Nos. 6, 15 and 21. No one has entered appearance on their behalf so far. Service of notice of motion on all the proposed Lrs. of deceased respondent Nos. 6, 15 and 21 is complete.

Thereafter the applications for substitution were listed before the Hon'ble Chamber Judge on 15.07.2013, when the Court was pleased to pass the following order:-

" In view of the order passed by this Court in Special Leave Petition (C) No. 7735 of 2010 dated 02.11.2012 (titled as "*Gurcharan Singh Vs. Surjit Singh & Anr.*") reported in 2012 (10) SCALE 638, issue notice on the application for substitution as well as on the application for condonation of delay in filing substitution application."

Accordingly show cause notice to proposed Lrs. of deceased respondent nos. 6, 15 and 21 was issued on 07.10.2013. Unserved envelope from proposed Lrs. of respondent no. 6 have been received with the remarks 'Left'. A. D. Cards duly signed from proposed Lrs. of deceased respondent no. 15 have been received but no one has entered appearance on their behalf so far. Mr. Prem Malhotra, Advocate has filed Vakalatnama & Memo of Appearance on behalf of all the proposed Lrs of deceased Respondent no. 21.

SLP (C) No. 18930-32/2012

The matter above mentioned was listed before the Hon'ble Court

on 13.7.2012, when the Court was pleased to pass the following order :-

" Issue notice in the special leave petitions as also on prayer for interim relief.

Tag with Special Leave Petition (Civil) No.19174 of 2010."

Accordingly show cause notice was issued to both the respondents in the above mentioned matters. Mr. Kamal Mohan Gupta, Advocate has filed Vakalatnama & Memo of Appearance and Counter Affidavit on behalf of both the respondents. Copy of the Counter Affidavit has been included in the paper books.

Service of show cause notice is complete.

The matter above mentioned was mentioned before the Hon'ble Court on 13.11.2013, when the Court was pleased to pass the following order:-

" List this matter on any Tuesday in the month of January, 2014, before the appropriate Bench."

It is submitted that Mr. Prem Malhotra, Advocate for the Petitioner has filed application for stay. The said applications are registered as IA Nos 4 to 6 and copies of the same have been included in the paper books.

SLP (C) No. 16526/2013

The matter above mentioned was listed before the Hon'ble Court on 26.4.2013, when the Court was pleased to pass the following order :-

" Heard Mr. Hooda, learned counsel in support of this petition.

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

In the meanwhile, further proceedings in Execution Application No.32/2002 shall remain stayed.

Tag with SLP(C) No.19464/2010."

It is submitted that show cause notice was issued to all the 24 respondents on 6.6.2013. Mr. Rishi Malhotra, Advocate has on

30.7.2013, 14.8.2013 & 12.11.2013 filed Vakalatnama and memo of appearance on behalf of respondent Nos. 1, 2, 6, 8, 9, 11, 14, 15 and 16, but no Counter affidavit has been filed so far. Neither AD cards nor unserved cover containing notice have been received back from respondent nos. 3-5, 7, 10, 12, 13, 17 to 24.

Service of show cause notice is not complete.

It is further submitted that matters above mentioned were mentioned before the Hon'ble Court on 28.01.2014, when the Court was pleased to pass the following order:-

“ At the request, post again after four weeks.”

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

Dated this the 28th day of April, 2014.

ASSISTANT REGISTRAR

Copy to :- Mr. Anupam Lal Das, Adv.

Mr. Rishi Malhotra, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Prem Malhotra, Adv.

ASSISTANT REGISTRAR

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