

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(s). 3703 OF 2012

BEFORE THE REGISTRAR S.G. SHAH

UNION OF INDIA & ORS.

Appellant (s)

VERSUS

TRILOK CHAND SHARMA

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment, stay, condonation of delay in filing appeal.)

Date: 28/09/2012 This Appeal was called on for hearing today.

For Appellant(s)

Mr Rabindra Kumar Mohanty, Adv.
Mr. B.V. Balaram Das, Adv.

For Respondent(s)

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

This is a classic example regarding delay in judicial process. The matter is listed before this Court for the reason that appellant has failed to join the legal heirs of the deceased respondent even after registry's letter dated 4.7.2012. Record shows that Court has passed an order on 20.4.2012 to issue notice. The respondent shown in the appeal is one Mr Trilok Chand Sharma. Notice was issued on 28.4.2012. Though there is no proof of service on record, on 3.7.2012 one Ms Tripta Devi has filed vakalatnama, probably as legal heir of the deceased respondent, though there was no such confirmation on record. However, registry has on 4.7.2012 conveyed the ld. Advocate for the appellant to file

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proper application to bring on record the legal heirs of the sole respondent at the earliest. More than three months has lapsed. No steps are taken by anyone. Today, the ld. Advocate for the appellant is seeking some more time to file proper application.

However, on scrutiny it is found that in fact legal heirs of the respondent were already joined as litigants before the Tribunal whose order is challenged in this SLP. Such fact can be confirmed in the impugned order dated 10.3.2011 which is on record. It seems that probably cause title before such Tribunal has not been amended properly before getting the certified copy of the impugned order and therefore, on day one petition is filed against a dead person.

Technically, such petition cannot be entertained. However, once Court has issued notice, parties have to take appropriate steps on or before 1.11.2012.

If proper steps are not taken before 1.11.2012, list before the Hon'ble Judge in Chambers for non-prosecution.

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| (S.G.SHAH)
| REGISTRAR

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