

SECTION IV B Listed on 31.01.2014
Court No. 13
IN THE SUPREME COURT OF INDIA Item No.202
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 12028/2009, 26601, 31545, 29973, 28960, 26587 of 2011 8090, 8093, 8094, 8096, 8104, 8106, 8109, 8110, 23553 AND 39304 OF 2012, 16458 AND 16461 OF 2009, 5430, 8962 AND 9029 OF 2013.

WITH PRAYER FOR INTERIM RELIEF

Union of India & Anr. etc. ...Petitioner(s)

Versus

Sudarshan Kumar Kathpal & Ors. etc. ..Respondent(s)

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 10.12.2013, when the Court was pleased to pass the following order:-

" In view of letter circulated by learned counsel for the petitioners, case is adjourned. Post the matter on 7th January, 2014 (a non-miscellaneous day) for final disposal."

SLP NO. 12028/2009

It is submitted that there are three respondents. Respondent nos.1 and 2 are represented through M/s. M.K. Dua and Anurag Pandey, Advocates respectively. Counter affidavits filed by them have been included in the Special Leave Petition paperbooks. In respect of respondent no.3, A.D. card duly signed has been received as proof of service but no appearance has been filed.

It is submitted that Mr. Ashok Kumar Singh, Advocate for the petitioners has not filed rejoinder affidavit in terms of the Court's Order dated 9.7.2010.

Service of show cause notice is complete.

SLP NO. 26601/2011

There are three respondents. Respondent no.1 and 2 are represented through M/s. Balbir Singh Gupta and Mr. Mustaq Ahmad,

Advocates respectively. Counter affidavits filed by them have been included in the Special Leave Petition paperbooks.

Respondent No. 3 has been served with show cause notice and AD Cards duly signed as proof of service has been received but no one has entered appearance.

Service of notice is complete.

SLP (C) Nos. 31545/2011

It is submitted that there are total three respondents. Mr. Balbir Singh Gupta, Advocate has filed vakalatnama and memo of appearance and counter affidavit on behalf of respondent no.1. (Counter affidavit is included in the paper books). In respect of respondent nos. 2 & 3, service of show cause notice is complete through registered A.D. Post but no one has entered appearance on their behalf.

Service of show cause notice is complete.

SLP (C) Nos. 29973 of 2011

It is submitted that there are total 3 respondents. Mr. Balbir Singh Gupta, Advocate has filed vakalatnama and memo of appearance and counter affidavit on behalf of respondent no.1. (Copy is included in the paper books.) Neither A.D. Card nor unserved cover containing notice has been received back from respondent nos. 2 & 3 so far.

Respondent no.3 is common in SLP(C) No. 31545/11 and is served through A.D. card in SLP(C) 31545/11.

Service of show cause notice is incomplete.

SLP NO. 28960/2011

It is submitted that service of show cause notice on all the four respondents is complete as Mr. Balbir Singh Gupta, Advocate has put in appearance on behalf of respondent No.1 and has on 12.3.2012 filed counter affidavit. Copies of the same are included in

Special Leave Petition paperbooks. Respondent Nos. 2 and 3 are represented through Mr. Rahul Kaushik, Advocate and a short affidavit has been filed by the counsel on behalf of respondent no.3. Copies of the same are being circulated before the Hon'ble Court.

In respect of respondent No. 4, A.D. Card duly signed has been received back but there is no appearance on his behalf.

Service of notice is complete.

SLP NO. 26587/2011

There are four respondents. Respondent no.1 is represented through Mr. Balbir Singh Gupta, Advocate. Counter affidavit filed by him has been included in the Special Leave Petition paper books. Mr. Rahul Kaushik, Advocate has put in appearance on behalf of respondent nos. 3 and 4. But he has not filed counter affidavit.

Respondent No. 2 has been served and AD Card duly signed as proof of service has been received back but no one has entered appearance.

Service of notice is complete.

SLP (C) Nos. 8090, 8093, 8094, 8096, 8104, 8106, 8109 & 8110 of 2012

The matters above mentioned were listed before the Hon'ble Court on 24.2.2012, when the following Order was passed:-

**“ Delay condoned.
Issue notice.
Tag with SLP(C)No.26587 of 2011.
Let notice be served, both in the usual course
and also by way of dasti service.**

**In the meantime, the impugned
judgment and order of the High Court shall remain
stayed.”**

Accordingly, show cause notice was issued on 16.3.2012 to all the respondents in the above mentioned matters.

Service position of show cause notice in each matter is as under:-

SLP (C) No.	Total RR.	AD Card Received	V/A Received	C/A Filed	Neither AD Card received	Remarks
8090/12	4	--	1,3,4	1,3,4	2	Incomplete
8093/12	5	2,3	1	1	4,5	Incomplete
8094/12	4	4	1,2	1,2	3	Incomplete
8096/12	5	--	1,2,3,4	1	5	Incomplete
8104/12	3	--	1,3	1	2	Incomplete
8106/12	3	--	1,2,3	1	--	Complete
8109/12	5	3	1	--	2,4,5	Incomplete
8110/12	4	2,4	1	1	3	Incomplete

SLP NO. 23553/2012

It is submitted that there are 3 respondents and show cause notice to all the 3 respondents was issued on 19.10.2012 through registered A.D. post. Mr. Y.P. Dhingra, Advocate has on 12.1.2013 filed vakalatnama/appearance and counter affidavit on behalf of respondent no.1 but the same is defective for the reason that vakalatnama/appearance is executed by Gurukirpal Singh who is not a party in the instant matter. As per Ld. Registrar's Court's Order dated 10.5.2013 the said defect was reported to Hon'ble Judge in Chamber on 27.8.2013, when the following Order was pleased:-

" Despite last opportunity, respondent no. 1 has not clarified the issue regarding difference of name as available on record and from the Vakalatnama.

Under the circumstances, it is presumed that respondent no. 1 has been served but has not entered appearance."

It is submitted that pursuant to Hon'ble Chamber Judge Court's Order dated 27.8.2013, service is complete on respondent no.1 but he has not entered appearance. Service is incomplete on respondent nos.2 and 3 as neither A.D. Card nor unserved cover containing notice has been received back to whom show cause notice was issued on 19.4.2012.

SLP (C) No.39304/2012

It is submitted that there are total two respondents in the instant matter. Mr. Chanchal Kumar Ganguli, Advocate has filed

vakalatnama and memo of appearance on behalf of respondent no.1 and has on 26.9.2013 filed counter affidavit. Copy of the same is being circulated before the Hon'ble Court. Mr. Yashraj Singh Deera, Advocate has filed vakalatnama and memo of appearance on behalf of respondent no.2, but he has not filed counter affidavit so far.

Service of show cause notice is complete.

SLP (C) No. 16458/2009

Show cause notice was issued to all the 3 respondents on 18.08.2009. Mr. Anurag Pandey and M.K. Dua, Advocates have put in appearance in respect of respondent nos. 1 & 3 and also filed counter affidavits. Copies of the counter affidavit filed on behalf of respondent no.3 has not been served on Mr. Anurag Pandey, Advocate for respondent no.1.(Both counter affidavits are included in the paper books). Respondent no.2 is served by dasti notice but no one has entered appearance on its behalf.

Service of show cause notice is complete.

SLP (C) No. 16461/2009

In this matter, there are total 3 respondents. Mr. Anurag Pandey, Advocate has filed vakalatnama and memo of appearance on behalf of respondent no.1 and has also filed counter affidavit. (Counter affidavit is included in the paper books). Respondent no.2 is served through courier receipt. Respondent no.3 is served by dasti notice but no one has entered appearance on their behalf.

Service of show cause notice is complete.

SLP (C) No. 5430/2013

The matter above mentioned was listed before the Hon'ble Court on 12.2.2013, when the Court was pleased to pass the following Order:-

" **Exemption allowed.**

Issue notice, returnable six weeks' hence.

Let service be effected, both in the usual course and also by way of Dasti service.

The respondents would be entitled to file their respective counter affidavits within four weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

Let the matter be heard along with S.L.P. (C) No.12028 of 2009.

In the meantime, the impugned order, so far as the petitioner is concerned, shall remain stayed."

It is submitted that there are 4 respondents. Show cause notice was issued on 14.3.2013 to all the respondents by registered AD post. Respondent nos.3-4 are represented through Ms. Usha Reddy and Mr. Krishan Kumar, Advocates. A.D. card has been received back from respondent no.1 but no one has entered appearance on his behalf. Neither A.D. Card nor unserved cover containing notice has been received back from respondent no.2.

Service of show cause notice is not complete against respondent no.2.

SLP (C) No. 8962/2013 and 9029/2013

The matters above mentioned were listed before the Hon'ble Court on 4.3.2013, when the Court was pleased to pass the following Order:-

" Issue notice, returnable four weeks hence.

Let the matter be heard along with S.L.P.(C) No.12028 of 2009."

SLP (C) No. 8962/2013

It is submitted that there are four respondents. Notice has been issued on 3.4.2013 to all the respondents by registered post. Respondent no.3 is represented through Mr. Rahul Kaushik, Advocate, but no counter affidavit has been filed so far. A.D. Card has been received back from respondent no.1. Neither A.D. Card nor unserved cover containing notice has been received back from respondent nos.2 and 4.

Service of Show cause notice is not complete on respondent

nos. 2 and 4.

SLP (C) No. 9029/2013

It is submitted that there are 4 respondents. Show cause notice has been issued on 3.4.2013 to all the respondent nos.1-4 by registered post. Respondent no. 2 is represented through Mr. Balbir Singh Gupta, but no counter affidavit has been filed by him. Mr. Rajiv Tyagi, Advocate has on 02.09.2013 filed vakalatnama and memo of appearance on behalf of respondent no.4 and also filed counter affidavit (copy of the same is being circulated before the Hon'ble Court).

Service of show cause notice is not complete on respondent nos.1 and 4.

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

Dated this the 29th day of January, 2014.

ASSISTANT REGISTRAR

Copy to:-Mr. H. M. Singh, Adv.
Ms. Usha Reddy, Adv.
Mr. Rahul Kuashik, Adv.
Mr. Balbir Singh, Adv.
Mr. Rajiv Tyagi, Adv.

ASSISTANT REGISTRAR

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