

SECTION-IX
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 13651-13652, 11808, 11809 AND 30151-30152 OF 2014

WITH PRAYER FOR INTERIM RELIEF

WITH

INTERLOCUTORY APPLICATION NO. 1

(Application for condonation of delay in filing the SLP in SLP (C) Nos. 30151-30152 of 2014)

PATEL AMBALAL SHANKARBHAI & ORS ...PETITIONERS

-VERSUS-

PATEL GANESH BHAI MOHANBHAI & ORS ..RESPONDENTS

OFFICE REPORT

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 13651-13652, 11808 AND 11809 OF 2014

The matters above mentioned along-with connected matters were listed before the Hon'ble Court on 06th May, 2014 when the Court was pleased to pass the following Order :-

"Delay condoned.

Issue notice.

In the meantime, interim order of the High Court of Gujarat dated 26.2.2013 to continue till the next date of hearing. "

Thereafter, the matters above mentioned along-with connected matters were listed before the Court of Registrar on 13th October, 2015 when the Court was pleased to inter alia pass the following Order :-

"SLP (C) Nos. 13651-13652/2014, 11808 & 11809/2014

All the respondents have failed to file the counter affidavit within the period stipulated under the rules. Viewed thus, these matters shall be processed for listing before the Hon'ble Court as per rules."

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Service position of the above-mentioned matters are as follows:

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 13651-13652 OF 2014

SLP (C) NO. 13651 OF 2014

It is submitted for information of the Hon'ble Court that there are nine respondents in the instant matter. Accordingly, show cause notice was issued to all

the nine respondents by registered A. D. post as well as by dasti mode. Respondent No. 1 is represented through Mr. O. P. Bhadani, Advocate and he has filed counter affidavit on behalf of the said respondent which has been included in the paper-books. Respondent Nos. 2, 5, 6 and 8 have been served as per affidavit with proof of service filed by the counsel for the petitioner but no one has entered appearance on their behalf so far. A. D. card duly signed have been received back from respondent Nos. 4, 7 and 9 but no one has entered appearance on their behalf so far. Neither A.D. card nor unserved cover has been received back from respondent No. 3. Counsel for the petitioner has also not filed affidavit with proof of service in respect of respondent No. 3.

Service of notice is not complete on respondent No. 3.

SLP (C) NO. 13652 OF 2014

It is submitted for information of the Hon'ble Court that there are ten respondents in the instant matter. Accordingly, show cause notice was issued to all the nine respondents by registered A. D. post as well as by dasti mode. Respondent No. 1 is represented through Mr. O. P. Bhadani, Advocate and he has filed counter affidavit on behalf of the said respondent which has been included in the paper-books. Respondent Nos. 9 and 10 are represented through Ms. Hemantika Wahi, Advocate but she has not filed counter-affidavit so far. Respondent Nos. 2, 5, 6 and 8 have been served as per affidavit with proof of service filed by the counsel for the petitioner but no one has entered appearance on their behalf so far. A. D. card duly signed have been received back from respondent Nos. 4 and 7 but no one has entered appearance on their behalf so far. Neither A.D. card nor unserved cover has been received back from respondent No. 3. Counsel for the petitioner has also not filed affidavit with proof of service in respect of respondent No. 3

Service of notice is not complete on respondent No. 3.

PETITIONS FOR SPECIAL LEAVE TO APPEAL (C) NOS. 11808 AND 11809 OF 2014

It is submitted for information of the Hon'ble Court that there are four common respondents in the both the matters and all the four respondents are represented through Ms. Hemantika Wahi, Advocate but she has not filed counter-affidavit so far.

Service of notice is complete in both the SLPs.

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 30151-30152 OF 2014

The matters above mentioned were listed before the Hon'ble Court on 07th November, 2014, when the Court was pleased to pass the following Order :-

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

Tag with SLP (C) Nos.16775-16776/2014."

Thereafter, the matters above mentioned were listed before the Court of Registrar on 08th March, 2016 when the Court was pleased to pass the following Order :-

"The respondent No.2(b) has failed to file the counter affidavit within the period stipulated under the rules. The respondent No.1(a) shall be at liberty to file the counter affidavit within a period of four weeks. Service of notice is complete on the respondent Nos.2 & 4, but no one has entered appearance on their behalf.

Fresh steps for the service of notice by usual mode to the unserved respondent Nos.3 & 5 shall be taken by the Ld.counsel for the petitioner within a period of three weeks.

List again on 3.05.2016."

It is submitted for information of the Hon'ble Court that there are six respondents in the instant matter. Show cause notice was issued to Respondent Nos. 1(A), 2(B) and 2 to 5 through registered A. D. post. Mr. D. Mahesh Babu, Advocate has filed vakalatnama/appearance on behalf of respondent Nos. 1(a) and 2(b) but counter affidavit has not been filed so far. A. D. cards duly signed have been received back from respondent Nos. 2 and 4 but no one has entered appearance on their behalf so far. Neither A. D. card nor unserved cover has been received back from respondent Nos. 3 and 5.

Service of notice is not complete on respondent Nos. 3 and 5.

And lastly, the SLP (C) Nos. 13651-13652 of 2014 were mentioned before the Hon'ble Court on 21st April, 2016 when the Court was pleased to pass the following Order :-

"Post these matters next week before an appropriate Bench."

The matters above-mentioned are listed before the Hon'ble Court with this report.

Dated this the 27th day of April, 2016.

ASSISTANT REGISTRAR

Copy to:-

Mr. Vikas Mehta, Advocate
Mr. Rameshwar Prasad Goyal, Advocate
Mr. O. P. Bhadani, Advocate
Ms. Hemantika Wahi, Advocate
Mr. D. Mahesh Babu, Advocate
Mr. Sanjay Kapur, Advocate

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ASSISTANT REGISTRAR