

W.L. No. : 19/15
COURT NO.: 10
ITEM NO. : 56

SECTION-XII A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2963 AND 2964 OF 2013

WITH

INTERLOCUTORY APPLICATION NO. 4/2015 in CA No. 2963 of 2013.
(Application for amendment of cause title to amend the cause title of the appellants replacing the Government of A. P.)

WITH

INTERLOCUTORY APPLICATION NO. 5/2015 in CA No. 2963 of 2013
(Application for correction of prayer in Appeal)

WITH

INTERLOCUTORY APPLICATION NO. 6/2015 in CA No. 2963 of 2013
(Application for amendment of cause title filed by Mr. T. V. Ratnam, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 7/2015 in CA No. 2963 of 2013
(Application for urging additional grounds filed by Mr. T. V. Ratnam, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 3/2015 in CA No. 2964 of 2013
(Application for permission to urge additional grounds filed by Mr. S. Udaya Kumar Sagar, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 4/2015 in CA No. 2964 of 2013
(Application for direction to furnish the particulars of the legal heirs of the deceased Respondent nos. 6, 12 and 14)

WITH

INTERLOCUTORY APPLICATION NO. 8/2015 in CA No. 2963 of 2013
(Application for impleadment filed by Mr. Abid Ali Beeran P. , Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 9/2015 in CA No. 2963 of 2013
(Application for declaration that the appeal by the plaintiffs/Appellants has abated under order XXII Rule, 3, etc. of the Civil Procedure Code, 1908 on account of the Death of Sh. Youraj Karan, Respondent No. 12 herein of the appeal suit before the High Court)

WITH

INTERLOCUTORY APPLICATION NO. 5/2015 in CA No. 2964 of 2013
(Application for substitution for bringing on record the Lrs. of deceased Respondent Nos. 6 and 14 filed by Mr. S. Udaya Kumar Sagar, Advocate)

WITH

INTERLOCUTORY APPLICATION NO. 6/2015 in CA No. 2964 of 2013
(Application for condonation of delay in filing substitution applications)

application has been registered as I. A. No. 9/2015 and the same is placed with the Appeal paper-books of CA NO. 2963 of 2013.

It is further submitted that Mr. S. Udaya Kumar Sagar, Advocate for the Appellants in CA No. 2964 of 2013 filed an application for substitution for bringing on record the Lrs. of deceased Respondent Nos. 6 and 14. The said application is barred by time by 13 days in respect of deceased Respondent No. 6 and 460 days in respect of deceased Respondent No. 14 and the counsel has also filed an application for condonation of delay in filing the said application for substitution,. The said application have been registered as I. A. Nos. 5, 6 and 7 of 2015 but the counsel has not taken out notice of motion in respect of proposed Lrs. of said deceased respondent Nos. 6 and 14. The said common applications is placed with the paper-books of CA Nos. 2964 of 2013.

It is further submitted that Mr. S. Udaya Kumar Sagar, Advocate for Appellants in CA No. 2964 of 2013 has on 21st July, 2015 filed an application for a declaration that the appeal by the plaintiffs/Appellants has abated under order XXII Rule, 3, etc. of the Civil Procedure code, 1908 on account of the Death of Sh. Youraj Karan, Respondent No. 12 herein during the pendency of the appeal suit before the High Court. The said application has been registered as I. A. No. 7/2015 and the same is placed with the Appeal paper-books of CA NO. 2964 of 2013.

It is further submitted that pursuant to the Court's order dated 31st March, 2015, counsel for the Appellants in CA No. 2963 of 2013 have on 6th April, 2015 filed an application for correction of prayer in Appeal alongwith corrected pages which have been placed at their serial numbers. The said application has been registered as I. A. Nos. 5 and 6/2015 and the same is placed with the appeal paper-books.

It is further submitted that pursuant to Court's order dated 31st March, 2015. Mr. S. Udaya Kumar Sagar, Advocate to the Appellant in CA No. 2964 of 2013 has on 6th April, 2015 filed corrected pages which have been placed at their serial numbers.

It is further submitted that Mr. T. V. Ratnam, Advocate has on 17th April, 2015 filed Vakalatnama/Appearance on behalf of Appellants and he has on 17th April, 2015 also filed application for amendment of Cause title in respect of Appellant Nos. 1 and 2 and application for urging additional grounds in CA No. 2963 of 2013 both the applications have been registered as I.A. Nos. 6-7 and the same are placed with the appeal paper-books.

It is further submitted that Mr. S. Udaya Kumar Sagar, Advocate has on 21st April, 2015 filed an application for permission to urge additional grounds in CA No. 2964 of 2013 The said application has been registered as I.A. No. 3/2015 and the same is placed with the appeal paper-books.

It is also submitted that Mr. T.V. Ratnam, Advocate for the appellants has on 27th April, 2015 filed a letter dated 27th April, 2015 and copy endorsed to counsel for the Respondent nos. 1 to 16, stating therein that three of the Respondents have expired, viz. 1. Rajkaran (R-6), 2. Youraj Karan (R-12) and 3. Shivraj Karan (R-14) and he has requested the Advocate for the Respondent nos. 1 to 16 to verify and furnished the necessary particulars to enable the Govt. proceed further in the matter.

It is also submitted that Mr. S. Udaya Kumar Sagar, Advocate for the appellant in C.A. No. 2964 of 2013 has on 27th April, 2015 filed an application for direction to furnish the particulars of the legal heirs of the deceased Respondent Nos. 6, 12 and 14 with the leave of the Hon'ble Court. The said application has been registered as I.A. No. 4 of 2015 and same is circulated herewith for kind perusal of the Hon'ble Court.

It is also submitted that Mr. Abidali Beeran P., Advocate has on 7th July, 2015 filed an application for impleadment to implead the applicants as party Respondents alongwith Vakalatnama/Appearance on behalf of Applicants. The said application has been registered as I. A. No. 8/2015 and the same is placed with the appeal paper-books.

Service position and status of the Appeals above-mentioned are as under:

C.A. No. 2963 of 2013:

There are 136 Respondents in the appeal above-mentioned. Respondent Nos. 1 to 16 are represented by Mr. Anupam Lal Das, Advocate. Service on Respondent Nos. 17 to 136 has been dispensed with vide Registrar's Court order dated 4th May, 2012.

Service is complete.

C.A. No. 2964 of 2013:

There are 141 Respondents in the Appeal. Respondent Nos. 1 to 16 and 17 to 21 are represented by M/s. Senthil Jagadeesan and Venkat Palwai Associates, Advocates. Service on Respondent Nos. 22 to 141 has been waived vide Registrar Courts order dated 2nd July, 2012.

Service is complete.

In compliance of circulars dated 3rd December, 2014 and 5th December, 2014 original records have been sent back.

It is submitted to the Hon'ble Court that Counsel for Respondent Nos. 1 to 16 in CA No. 2963 of 2013 and Counsel for the Respondent Nos. 1 to 16 in connected CA No. 2964 of 2013 have filed statement of case. It is further submitted that Counsel for the Appellant in both the Appeals and Counsel for Respondent Nos. 17-21 have not filed statement of case so far and in terms of Order XIX Rule 32 (2) Supreme Court Rules, 2013 and its proviso, where a party does not file statement of case within the time prescribed, it shall be presumed that the party does not desire to file statement of case and so far as Appellant in concerned, it shall be presumed that the Appellant has adopted list of dated/synopsis as statement of case.

It is further submitted that counsel for the Appellant has on 18th February, 2015 filed an application for amendment of Cause title to amend the cause title of the Appellants replacing the Government of Telangana in CA No. 2963 of 2013. The said application has been registered as I. A. No. 4/2015 and the same is placed with the appeal paper-books.

The aforesaid Appeals and applications are listed before the Hon'ble Court with this office Report.

Dated this, the 21st day of July, 2015.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. T. V. Ratnam, Advocate, Ch. No. 129, M.C. Setalvad Block.
2. M/s. S. Udaya Kumar Sagar, Advocate, 1, Ashoka Road, New Delhi-110001
3. Mr. Anupam Lal Das, Advocate, F-39, Green Park Main, New Delhi-110016.
4. Mr. Senthil Jagadeesan, Advocate, Ch.No. 212, New Chambers
5. M/s Venkat Palwai Associates, Advocates, Telangana Bavan, 1, Ashoka Road, New Delhi-110001
6. Mr. Abid Ali Beeran P., Advocate, Ch.No. 127 (old)

ASSISTANT REGISTRAR