

LISTED NO.:09.09.2015
COURT NO.: 10
ITEM NO. : 101

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)

WITH
INTERLOCUTORY APPLICATION NO. 7/2015 in CA No. 2964 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. 10/2015 in CA No. 2963 of 2013
(common application for substitution for bringing on record the Lrs. of deceased Respondent Nos. 6 and 14 filed by Mr. T. V. Ratnam, Advocate)

WITH
INTERLOCUTORY APPLICATION NO. 11/2015 in CA No. 2963 of 2013
(Application for condonation of delay in filing substitution application)

WITH
INTERLOCUTORY APPLICATION NO.12/2015 in CA No. 2963 of 2013
(Application for impleadment filed on 31st August, 2015 by Mr. Anil Kumar Tandale, Advocate)

WITH
INTERLOCUTORY APPLICATION NO.13/2015 in CA No. 2963 of 2013
(Application for impleadment filed on 7th September, 2015 by Mr. Ananga Bhattacharyya, Advocate)

GOVT. OF ANDHRA PRADESH & ORS. ETC. ..APPELLANTS
- VERSUS -
PRATAP KARAN & ORS. ..RESPONDENTS

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 22nd July, 2015 and 25th August, 2015, when the Hon'ble Court was pleased to pass the following Order:-

22.07.2015

"I.A. Nos. 5 and 6 of 2015 in C.A.No. 2964 of 2013

Issue notice on the application for condonation of delay in filing substitution application, application for substitution and application for setting aside abatement.

In these applications, the petitioners seeks substitution of legal representatives, if any, and for setting aside abatement. Learned counsel for the respondents accept notice and will file appearance on behalf of those legal representatives, if any, who are not on record.

So far as other applications are concerned, that shall be heard along with the main appeals.

As jointly agreed, let these appeals be listed on 12th August, 2015 at the top of the list, for final hearing and disposal.

It is made clear that no further adjournment shall be given."

25.08.2015:

"Arguments heard in part.

List the matters on 02.09.2015 as part-heard at the top of

the Board.

In the meanwhile, call for the entire Original Records forthwith from the courts below through the Special Messenger.”

It is submitted to the Hon'ble Court that Original Records from the High Court as well as Lower Court are available for the Reference of the Hon'ble Court.

It is further submitted that pursuant to the aforesaid order dated 22nd July, 2015, notice on the application for condonation of delay in filing the application for substitution and application for substitution for bringing on record the Lrs. of deceased Respondent Nos. 6 and 14 in CA No. 2964 of 2013 and setting aside abatement has been issued through Mr. Senthil Jagadeesan, Advocate for Respondent Nos. 1-5, 7-11, 13, 15 & 16 in CA No. 2964 of 2013 but he has not filed Vakalatnama/Appearance on behalf of proposed Lrs. of said deceased Respondent Nos. 6 and 14 so far.

It is further submitted that Mr. T. V. Ratnam, Advocate for the Appellants in CA No. 2963 of 2013 has on 22nd July, 2015 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 15 days in respect of deceased Respondent No. 6 and 462 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 applications have been registered as IA Nos. 10 and 11 and the said common application is placed with the paper-books of CA No. 2963 of 2013.

It is further submitted that Mr. T. V. Ratnam, Advocate for the Appellants in CA No. 2963 of 2013 has on 20th 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. 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 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 placed with the appeal paper-books of CA No. 2964 of 2013.

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 in CA No. 2963 of 2013 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 of CA No. 2963 of 2013.

It is also submitted that Mr. Anil Kumar Tandale, Advocate has on 31st August, 2015 filed an application for impleadment as party Respondent alongwith Annexure and Vakalatnama/Appearance on behalf of proposed impleaded party through Special Power of Attorney holder. The same has been registered as I. A. No. 12 and placed below for kind perusal of the Hon'ble Court.

It is lastly submitted that Mr. Ananga Bhattacharyya, Advocate has on 7th September, 2015 filed an application for impleadment as party Respondent alongwith Vakalatnama/Appearance on behalf of proposed impleaded party. The same has been registered as I. A. No. 13 and placed below for kind perusal of the Hon'ble Court.

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. 1-5, 7-11, 13, 15 & 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 incomplete on Respondent Nos. 6, 12 and 14.

C.A. No. 2964 of 2013:

There are 141 Respondents in the Appeal. Respondent Nos. 1 to 5, 7-11, 13, 15 & 16 are represented by M/s. Senthil Jagadeesan and Venkat Palwai Law Associates, Advocates. Service on Respondent Nos. 22 to 141 has been waived vide Registrar Courts order dated 2nd July,2012.

Service is incomplete on Respondent Nos. 6, 12 and 14.

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.

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 8th day of September, 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
3. Mr. Anupam Lal Das, Advocate, F-39, Green Park Main
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)
7. Mr. Anil Kumar Tandale, Advocate
8. Mr. Ananga Bhattacharyya, Advocate, Suit No. 10, GF Hans Bhawan, #1 Bahadur Shah Zafar Marg N.D.

ASSISTANT REGISTRAR