

SECTION XII

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 13979 OF 2015

N. Sivakumar & Ors. ...Petitioners

versus

Bhavani Devi & Ors. ...Respondents

OFFICE REPORT FOR DIRECTIONS

The matter i.e. Civil Appeal No. 13979 of 2015 @ Special Leave Petition(C) No. 16269 of 2012 above mentioned was listed before the Hon'ble Court on 24th September, 2012, when the Hon'ble Court was pleased to pass the following order:-

"At the request of learned senior counsel for the petitioners, the name of respondent No. 8 - N. Vijayakumar is deleted from the array of parties.

Amended cause-title shall be filed within two weeks from today.

Issue notice returnable in ten weeks.

Mr. Vinodh Kanna B., advocate waives service for respondent Nos. 1 to 7.

Counter-affidavit may be filed by the respondent Nos. 1 to 7 within six weeks.

Rejoinder-affidavit, if any, may be filed by the petitioners within two weeks thereafter.

In the meanwhile, execution of the impugned judgment and decree shall remain stayed."

Thereafter, the matter above mentioned alongwith other connected matter was listed before the Ld. Registrar's Court on 25th October, 2016, when *inter-alia* the following order was passed:-

"Mr.V.Subramanian T.R. Ld.counsel has filed vakalatnama for the respondent No.1, but the name of respondent No.1 has not been mentioned correctly in the vakalatnama as the name is 'Bhavani Devi' but it is signed by Pawani Bai. Ld.counsel is directed to clarify the same.

Mr.Vinodh Kanna B.Ld.counsel on 24.09.2012 accepted notice on behalf of respondent Nos.1-7, but he has not filed vakalatnama & counter affidavit on their behalf so far. Viewed thus, the matter shall be processed for listing before the Hon'ble Court for further directions."

It is submitted that there are eight respondents. Notice of Lodgement of Petition of Appeal in the matter could not be issued as Mr. Vinodh Kanna B., Advocate waives service of Respondent Nos. 1 to 7 before the Court on 24th September, 2012, but he has not filed vakalatnama/appearance on behalf of Respondent No. 2 to 7 so far.

Service is not complete.

Subsequently the matter was listed before the Hon'ble Court (In Chamber) on 16th December, 2016, when the Hon'ble Court was pleased to pass the following order:-

"Learned counsel appearing on behalf of the Respondent No. 1 states that a cross appeal is filed by her being SLP(C)No. 13980 of 2015 in which the name of the Respondent No.1 is correctly mentioned as Pavani Devi.

Learned counsel states that he would clarify the position with the Registry so as to ensure that the record is corrected accordingly within four weeks' time."

It is submitted that Mr. Venkita Subramoniam T.R. counsel for the respondent has filed a letter dated 9th January, 2017 stating therein that real name of respondent no. 1 is Pawani Devi, clearly mentioned in cross appeal Civil Appeal No. 13980 of 2015(a copy of letter dated 9th January, 2017 is enclosed herewith). But in the instant matter name of respondent no. 1 has been shown as "Bhavani Devi" in the petition as well as in the impugned order.

Office Report for Directions in the matter above mentioned is listed before the Hon'ble Judge-in-Chambers for orders.

Dated this, the 13th day of January, 2017.

ASSISTANT REGISTRAR

COPY TO: Mr. Rakesh K. Sharma, Advocate.
Mr. Vinodh Kanna B., Advocate.
Mr. V. Subramanian T.R, Advocate

ASSISTANT REGISTRAR

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