

Listed On: 09.01.2015

Before Court No.

Item No.

SECTION:XIV

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 4

(Application for directions in Civil Appeal No. 8170/2009)

AND

INTERLOCUTORY APPLICATION NOS. 5 AND 7

(Applications for permission for impleadment of applicants as party
respondents in Civil Appeal No. 8170/2009)

AND

INTERLOCUTORY APPLICATION NOS. 6 AND 8

(Applications for directions in Civil Appeal No. 8170/2009)

AND

INTERLOCUTORY APPLICATION NO. 1

(Application for directions in Civil Appeal No. 8171/2009)

WITH

REVIEW PETITION NOS. 1845 AND 1846 OF 2011

AND

CONTEMPT PETITION NO. 419 OF 2011

(In Civil Appeal No. 8170/2009)

IN

CIVIL APPEAL NOS. 8170 AND 8171 OF 2009

AND

PETITION FOR SPECIAL LEAVE TO APPEAL NOS. 22271,22273 AND 22274 OF 2011

INDIAN MEDICAL ASSOCIATION ETC.

...APPELLANTS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

OFFICE REPORT

It is submitted that the applications with Review Petitions and contempt petition in the appeals above mentioned alongwith other connected matters were listed before the Hon'ble Court on 08.04.2013, when the Court was pleased to pass the following order:-

"Having perused the order dated 11th July, 2011 and subsequent orders, we were initially of the opinion that the matters could perhaps be heard by the same Bench, which passed the earlier orders. However, Mr. K.K. Venugopal, learned senior counsel pointed out that on 18th March, 2013, the first Bench has passed the following order :-

"It has been submitted by Mr. Aman Hingorani, learned advocate appearing for the petitioners, that what survives today are the review petitions and the contempt petitions, which had been filed in the special leave petitions. Since one of the Hon'ble Judges, who were

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parties to the orders passed, is available [Hon'ble Mr. Justice Surinder Singh Nijjar], let these petitions/applications be listed before the said Bench.

Liberty is granted to the parties to mention the matter for early listed."

At this stage, Mr. Aman Hingorani, learned counsel pointed out that, although, the review petitions have been listed or have been put up for hearing along with the contempt petitions, no notice therein has been issued.

In our opinion, instead of now again sending the matter back to the first Bench, it would be appropriate if all the issues are considered by this Bench. Therefore, issue notice in the review petitions. Let counter affidavit be filed within four weeks. Rejoinder affidavit may be filed within three weeks thereafter.

We make it clear that the respondents shall be at liberty to take the preliminary objections with regard to the very maintainability of the review petitions, which shall be decided at the appropriate time."

It is further submitted that Mr. Dipak Kumar Jena, Advocate has also on 05.07.2011 filed Review Petitions in both the aforesaid appeals (registered as Review Petition Nos. 1845 and 1846/2011 respectively) and the review petition paper books have been placed with their respective appeal paper books.

It is further submitted that M/s. Hingorani & Associates, Advocates has on 22.07.2011 filed contempt petition on behalf of the applicants with annexures P-1 and P-2 for initiating contempt proceedings against the alleged contemnors for not complying this Courts judgment dated 12.05.2011 (Copy of judgment dated 12.05.2011 has been included in contempt petition paper book at page Nos. 13-176 as annexure P-1) (registered as CP No. 419/2011) and the same has been placed with appeal Paper Books.

It is further submitted that Mr. Pramod Dayal, Advocate has on 05.09.2011 and 07.09.2011 filed separate applications in Civil Appeal No. 8170 of 2009 for permission to implead the applicants as party respondents alongwith applications for directions with annexures alongwith vakalatnama/appearance of proposed impleaded parties (registered as I.A. Nos. 5 & 7 and 6 & 8 respectively) and the same have been placed with appeal paper books.

...3/-

RP NO. 1845/2014

It is submitted that pursuant to Court's Order dated 8.4.2013, notice was issued to all the 6 respondents on 20.5.2013 by registered AD. AD card has been received on behalf of respondent Nos. 5 and 6. Neither AD card nor unserved cover has been received from respondent Nos. 1 to 4. No one has entered appearance on behalf of respondent No. 6.

It is further submitted that M/s Hingorani & Associates, Advocates has filed reply affidavit on behalf of respondent No. 5 with vakalatnama and the same has been placed with Review Petition Paper Books.

It is further submitted that counsel for the appellant has filed rejoinder affidavit to the reply affidavit filed by the petitioner and the same has been placed with Review Petition Paper Books.

It is further submitted that for non completion of Service on Respondent Nos. 1 to 4 the matter was listed before the Court of Ld. Registrar on various dates and lastly listed on 04.09.2014, when the Court was pleased to pass the following order:-

"Respondent No. 5 shall file the counter affidavit within a period of four weeks. Service is complete as against the respondent No. 6 but no one has entered appearance on his behalf. The said respondent shall also be at liberty to file the counter affidavit within the period stipulated above.

Fresh steps for the service of notice to the unserved respondent Nos. 1 to 4 shall be taken by the learned counsel for the petitioners within a period of three weeks.

List again on 21.11.2014."

It is further submitted that Mr. Dipak Kumar Jena, Advocate for the appellants has on 08.10.2011 filed affidavit of service in respect of Respondent Nos. 1 to 4 but no one has entered appearance on their behalf so far.

Service is complete.

It is lastly submitted that the matter above mentioned was listed before the Court of Ld. Registrar on 21.11.2014, when the Court was pleased to pass the following order:-

"The office report indicates that the Respondent No. 5 has already filed the counter affidavit.

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The office report further is that service of notice is complete on the respondent Nos. 1 to 4 but no one has entered appearance on their behalf. Viewed, in that context, the matter shall be processed for listing before the Hon'ble Court, under the rules."

RP NO. 1846/2014

It is submitted that pursuant to Court's Order dated 8.4.2013, notice was issued to all the 5 respondents on 17.5.2013 by registered AD. AD cards have been received on behalf of respondent Nos. 1, 4 and 5. Neither AD card nor unserved cover has been received from respondent Nos. 2 and 3. No one has entered appearance on behalf of respondent Nos. 1 and 5.

It is further submitted that M/s Hingorani & Associates, Advocates has filed reply affidavit on behalf of respondent No. 4 with vakalatnama and the same has been placed with Review Petition Paper Books.

It is further submitted that counsel for the appellant has filed rejoinder affidavit to the reply affidavit filed by counsel for respondent No. 4 and the same has been placed with Review Petition Paper Books.

It is further submitted that for non completion of Service on Respondent Nos. 2 and 3 the matter was listed before the Court of Ld. Registrar on various dates and lastly listed on 04.09.2014, when the Court was pleased to pass the following order:-

"Respondent No. 4 shall file the counter affidavit within a period of four weeks. Service is complete as against the respondent Nos. 1 and 5 but no one has entered appearance on their behalf. These respondents shall also be at liberty to file the counter affidavit within a period of four weeks, in case they intend to do so.

Fresh steps for the service of notice to the unserved respondent Nos. 2 and 3 shall be taken by the learned counsel for the petitioners within a period of three weeks.

List again on 21.11.2014."

It is further submitted that Mr. Dipak Kumar Jena, Advocate for the appellants has on 08.10.2011 filed affidavit of service in respect of Respondent Nos. 2 and 3 but no one has entered appearance on their behalf so far.

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...5...

Service is complete.

It is lastly submitted that the matter above mentioned was listed before the Court of Ld. Registrar on 21.11.2014, when the Court was pleased to pass the following order:-

"Respondent No.4 has already filed the counter affidavit.

Service of notice is complete on the other respondents but no one has entered appearance on their behalf. Viewed thus, the matter shall be processed for listing before the Hon'ble Court under the rules."

SLP (C) NOS. 22271, 22273 AND 22274 OF 2011

It is submitted that counsel for the petitioner has on 17.10.2011 filed rejoinder affidavits with Annexures to counter affidavit filed by respondent no. 2 in all the aforesaid SLPs with the leave of the Hon'ble Court and same are included in SLP paper books.

Service is already complete in all the matters.

The application with contempt petition and Review Petitions in the appeals and matters above mentioned are listed before the Hon'ble Court with this Office Report.

DATED THIS THE 08th DAY OF JANUARY, 2015.

ASSISTANT REGISTRAR

Copy to :

1. Mr. Dipak Kumar Jena, Adv.
2. M/s Hingorani & Associates, Adv.
3. Mr. Debashish Bharuka, Adv.
4. Mr. Amit Kumar, Adv.
5. Mr. Purnima Bhat Kak, Adv.
6. Mrs. Anil Katiyar, Adv.
7. Mr. Pramod Dayal, Adv.

ASSISTANT REGISTRAR

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