

LISTING ON 26.09.2014
COURT NO. 1
ITEM NO. 10

SEC.IV-A

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 9000-9001, 16663-16664, 16667 AND 23393-23394 OF 2012

WITH

INTERLOCUTORY APPLICATION NOS. 3 AND 4

(Applications for bringing on record the Lrs. of (D) Respondent No. 2 and condonation of delay and setting aside abatement in SLP(C) Nos. 23393-23394 of 2012)

AND

INTERLOCUTORY APPLICATION NOS. 1-2

(Applications for condonation of delay in filing SLP(C) Nos. 16663-16664, 16667 and 23393-23394 of 2012)

AND

INTERLOCUTORY APPLICATION NOS. 3-4

(Applications for filing additional documents in SLP(C) Nos. 16663-16664 of 2012)

B.N. Devaraj, Etc. Etc.

...Petitioner

-Versus-

State of Karnataka by Special L.A.O & Ors., Etc. Etc.

...Respondents

OFFICE REPORT

1. SLP(C) Nos. 9000-9001 of 2012

The matters above mentioned were listed before the Hon'ble Court on 12.03.2012 with an Office Report dated 02.03.2012, when the Court was pleased to pass the following Order:

*“Delay condoned.
Issue notice.”*

Accordingly, show cause notice was issued to all the five common respondents on 26.03.2012 through Regd. A.D. Post. Respondent Nos. 1 and 3-5 are represented through Mr. V.N. Raghupathy, Ms. Madhusmita Bora and Mr. Shailesh Madiyal, Advocates but they have not filed Counter Affidavit, so far.

It is submitted that Counsel for the Petitioners has on 13.02.2014 filed an applications for bringing on record the Lrs. of deceased Respondent No. 2 and condonation of delay as the same is barred by time by 1668 days but he has not cured the defects despite this registry's letter dated 17.02.2014. The defects are as follows:

1. Copy of the applications has not served on Ms. Madhusmita Bora, Advocate.
2. Prayer for setting aside abatement not made.
3. No other legal representatives not mentioned.

It is further submitted that all the legal representatives of deceased Respondent No. 2 are already on record in SLP(C) Nos. 9000/2012 as Respondent Nos. 3-5. The applications have already been included in the Paper Books.

It is further submitted that all the Lrs. of (D) Respondent No. 2 are petitioners in SLP(C) Nos. 16667/2012 and are represented by Ms. Madhusmita Bora, Advocate.

2. SLP(C) Nos. 16663-16664 and 16667 of 2012

The matters above mentioned were listed before the Hon'ble Court on 04.05.2012 with an Office Report dated 03.05.2012, when the Court was pleased to pass the following Order:

“Issue notice on the applications for condonation of delay as well as on the special leave petitions. Tag with Special Leave Petition (Civil) Nos. 9000-9001 of 2012.”

Accordingly, show cause notice was issued to all the respondents on 25.08.2012. Mr. V.N. Raghupathy, Advocate has filed vakalatnama/appearance in all SLPs but has filed Counter Affidavit only in SLP(C) Nos. 16663-16664 of 2012 and the same has been included in the SLP Paper Books.

Service of show cause notice is complete through Regd. A.D. Post and as well as through Trial Court in all SLPs.

2. SLP(C) Nos. 23393-23394 of 2012

The matters above mentioned were listed before the Hon'ble Court on 06.07.2012 with an Office Report dated 05.07.2012, when the Court was pleased to pass the following Order:

“Issue notice on the applications for condonation of delay as well as on the special leave petitions. Connect with Special Leave Petition (Civil) Nos. 9000-9001 of 2012 (arising out of C.C. 19873-19874 of 2011).”

Accordingly, show cause notice was issued to the common Respondents No. 1-4 through Regd. A.D. Post on 06.09.2012. Mr. V.N. Raghupathy, Advocate has put in appearance on behalf of Respondent No. 1 and has also filed Counter Affidavit and the same has been included in the Paper Books. Ms. Madhusmita Bora,

Advocate has put in appearance on behalf of Respondent No. 4 but no counter affidavit filed.

It is further submitted that Counsel for the Petitioner has on 03.02.2014 filed an application for bringing the Lrs. of deceased Respondent No. 2 alongwith condonation of delay and setting aside the abatement in filing the application for bringing the Lrs. of deceased Respondent No. 2 which is barred by time by 1678 days stating therein that Lrs. of deceased Respondent No. 2 are already on record. The applications are registered as I.A. Nos. 3 and 4, and the same has already been included in the Paper Books.

It is further submitted that all the Lrs. of (D) Respondent No. 2 are petitioners in SLP(C) Nos. 16667/2012 and are represented by Ms. Madhusmita Bora, Advocate.

Whereas, the matters above mentioned were listed before the Hon'ble Court on 05.09.2014 with an Office Report dated 04.09.2014, when the Court was pleased to pass the following Order:

"List the group of matters after two weeks."

It is submitted to the Hon'ble Court that Counsel for the Petitioner has on 12.09.2014 filed an application for additional documents with additional documents (I.A. Nos. 3-4 in SLP(C) Nos. 16663-16664 of 2012) and the same is being circulated with this report.

The matters alongwith applications are listed before the Hon'ble Court with this Office Report.

Dated this the 25th day of September, 2014.

ASSISTANT REGISTRAR

Copy to: Mr. Naresh Kumar, Advocate
Ms. Madhusmita Bora, Advocate
Mr. Shailesh Madiyal, Advocate
Mr. V.N. Raghupathy, Advocate

ASSISTANT REGISTRAR

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