

**LISTING ON 04.1.2016**  
**COURT NO. 9**  
**ITEM NO. 208**

SEC.IVA

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 11762 AND 15202 OF 2007**

WITH PRAYER FOR INTERIM RELIEF

IN

INTERLOCUTORY APPLICATION NO. 1 IN SLP NO. 11762 OF 2007

(Application for condonation of delay in filing special leave petition)

AND

INTERLOCUTORY APPLICATION NO. 7, 8 (SLP No. 11762/2007 ) & 5, 6 (SLP No. 15202/2007)

(Application for vacating stay and exemption from filing O.T. filed by Mr. Aftab Ali Khan, Advocate in both matters)

AND

INTERLOCUTORY APPLICATION NOS. 11 IN SLP NO. 11762/2007 AND 7 IN SLP NO. 15202/2007

(Application for substitution for bringing the legal heirs of the deceased respondent no. 11 in SLP 11762/2007 and respondent no. 12 in SLP 15202/2007 (Being common in both the matters)

AND

INTERLOCUTORY APPLICATION NO. 12 IN SLP 11762/2007 & 8 IN SLP 15202/2007

(Application for condonation of delay in filing substitution in both the matters )

Vimala Devi Gupta (D) By LRs.

... Petitioners

-Versus-

Bashit BE(Thr. Her Legal Heirs) & Ors.

... Respondents

**OFFICE REPORT**

**SLP NO. 11762 OF 2007**

The matters above mentioned were listed before the Hon'ble Court on 09.07.2007, when the Court was pleased to pass the following Order:

'Issue notice on the application for condonation of delay as well as on the Special Leave Petition.

Meanwhile, status quo with regard to the possession shall be maintained.'

Accordingly, show cause notice was issued to all the 15 respondent on 10.08.2007 through Regd. A.D. Post. It is further submitted that there are total 1-15 respondents in the matter. Mr. Aftab Ali Khan, Advocate has filed vakalatnama/appearance and counter affidavit on behalf of respondent Nos. 1, 2, 4-7, 9-10. Counsel for the petitioner has filed rejoinder affidavit to the counter affidavit filed by the respondents. Rejoinder affidavit and counter affidavit have already been included in the paper books. A.D. cards duly signed in respect of respondent Nos. 3, 8, 12 and 14 have been received but no one has appeared on their behalf. Respondent Nos. 13 and 15 have been deleted from the array of parties vide Hon'ble Court's Order dated 03.11.2009 and amended cause title has already been included in the paper books. Respondent no. 11 has been expired.

SLP(C) No. 15202/2007

The matter above mentioned was listed before the Hon'ble Court on 01.11.2007, when the Court was pleased to pass the following Order:

"Mr. Aftab Ali Kha, Advocate appearing on caveat accepts notice on behalf of respondent Nos. 2, 4, 6, 7, 9, 10 and 11.

Tag with S.L.P.(C) No. ...CC 5925 of 2007."

Accordingly, show cause notice was issued to respondent Nos. 1, 3, 8, 12 to 16 through registered A.D. Post on 18.01.2008. Mr. Aftab Ali Khan, Advocate has filed vakalatnama/appearance and counter affidavit on behalf of respondent Nos. 2, 4 to 7 & 9 to 11 and counter affidavit has been included in the paper books. A.D. Card duly signed in respect of respondent Nos. 1, 3, 8, 13 and 15 have been received but no one has appeared on their behalf till date. Respondent Nos. 14 and 16 have been deleted from the array of parties vide Hon'ble Court's Order dated 03.11.2009 and amended cause title has already been included in the paper books. Respondent no. 12 has been expired.

SLP(C) Nos. 11762 AND 15202 OF 2007

It is submitted that Mr. Aftab Ali Khan, Advocate for respondents in both the matters had on 19.02.2010 filed application for vacating stay and exemption from filing Official Translation in both the matters on behalf of respondent Nos. 2, 4 to 7 and 9 to 11 in SLP(C) No. 11762/2007 and respondent Nos. 4 & 7 in SLP(C) No. 15202/2007 and same has already been included in the paper books.

It is further submitted that Mr. Anip Sachthey, Advocate has on 11.05.2012 filed application for substitution to bring on record the Lrs. of deceased respondent No. 11 in SLP(C) No. 11762/2007 and respondent No. 12 in SLP(C) No. 15202/2007 viz, Abdul Wahab (Being

Common) alongwith application for condonation of delay in filing substitution, the said applications have already been included in the paper books. Mr. Anish Kumar Gupta, Advocate has filed vakalat/appearance on behalf of all the Lrs. of deceased respondent no. 11 in SLP No. 11762/2007 and respondent no. 12 in SLP No. 15202/2007 respectively.

Thereafter, the matters above mentioned were listed before the Hon'ble Court on 31.1.2014, when the Court was pleased to pass the following Order:

'Perused the letter circulated by learned counsel for the petitioners. Request made in the letter is rejected. None appears for the petitioners. Dismissed for non-prosecution.'

It is submitted that Mr. Anip Sachthey, Counsel for the petitioner has filed application for restoration in both the matters and registered as I.A. No. 13 in SLP No. 11762/2007 and I.A. No. 9 in SLP No. 15202/2007.

Thereafter, the matters above mentioned were mentioned before the Hon'ble Court on 27.2.2014, when the Court was pleased to pass the following Order:

'List the interlocutory applications for restoration on Monday (03.03.2014) before the appropriate Bench.'

Thereafter, the matters above mentioned were lastly listed before the Hon'ble Court on 03.03.2014, when the Court was pleased to pass the following Order:

'I.A. Nos. 13 in SLP(C) No. 1176 of 2007 and I.A. No. 9 in SLP(C) No. 15202 of 2007 are allowed and the special leave petition are restored to their original numbers.

List the special leave petitions on a non-miscellaneous day.'

It is submitted that no further documents have been filed by the parties in both matters.

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

Dated this the 28th day of December, 2015.

ASSISTANT REGISTRAR

COPY TO: Mr. Anip Sachthey, Advocate  
Mr. Anish Kumar Gupta, Advocate  
Mr. Aftab Ali Khan, Advocate

ASSISTANT REGISTRAR