

**SECTION IV**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NOS. 5198 OF 2008, 1113 OF 2009,**

**WITH**

**CIVIL APPEAL NO. 5562 OF 2009**

**AND**

**INTERLOCUTORY APPLICATION NO.**

(Application for bringing on record the LRs. of deceased Respondent Nos. 1, 5, 16 and 25)

**WITH**

**INTERLOCUTORY APPLICATION NO.**

(Application for bringing on record the LRs. of deceased Respondent Nos. 2, 26, 31 ,38 and for deletion of Respondent No. 41)

**WITH**

**INTERLOCUTORY APPLICATION NO.**

(Application for recalling of Court's order dated 27.02.2014)

**WITH**

**CIVIL APPEAL NO. 8551 OF 2009**

**AND**

**INTERLOCUTORY APPLICATION NO. \_\_\_\_\_**

(Application for substitution of Lrs. of deceased Respondent Nos. 1 and 4)

**AND**

**CIVIL APPEAL NOS. 5256 OF 2012, 7573 OF 2009, 5727 OF 2011 AND 9616 OF 2010**

Singh Ram(Dead) Tr. Lr. etc. etc.

...Appellants

**VERSUS**

Sheo Ram & Ors. etc. etc.

...Respondents

**OFFICE REPORT**

The instant appeals are by Special Leave granted by this Court's Order dated 18.08.2008, 16.02.2009, 07.08.2009, 02.07.2012, 14.12.2009, 14.12.2009, 11.07.2011, 16.09.2011 and 08.11.2010 respectively.

**SERVICE POSITION IS AS UNDER:-**

**CIVIL APPEAL NO. 5198 OF 2008**

There are 13 respondents in this Appeal. Respondent Nos. 1, 3, 4, 7 to 13 have been served with Notice of Lodgment of Petition of Appeal but they



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have not chosen to enter appearance so far. The names of Respondent Nos. 2, 5 and 6 have been deleted vide Court's Order dated 21.10.2011.

It is submitted that Counsel for the appellants has on 15.05.2013 filed Statement of Case.

**CIVIL APPEAL NO. 1113 OF 2009**

The sole Respondent in the appeal is represented by Mr. Debasis Misra, Advocate.

It is submitted that Counsel for the appellants has on 13.08.2012 filed Statement of Case but Counsel for the respondent has not filed Statement of Case till date.

**CIVIL APPEAL NO. 5562 OF 2009**

There are 43 Respondents in this appeal. Mr. Shahid Anwar, Advocate has put in appearance on behalf of Respondent Nos. 3, 4, 9, 10, 11, 17, 19, 20, 21, 22, 23, 29, 32, 33, 34, 35, 36 and 39. Certificate of Service in respect of Respondent Nos. 8,12,13,14,15,18,27,29,30, 37, 40, 42 and 43 have been received from High Court but they have chosen not to enter appearance so far. Notice in respect of Respondent Nos. 6,7, 24 and 28 has been received back with remarks "incomplete address" .

It is submitted that High Court vide its letter dated 27.03.2010 has reported that Respondent Nos. 1,2,5,16,25,26,31,38 and 41 have expired. Ms. Manjusha Wadhwa, Advocate has on 20.05.2013 filed an application for bringing on record the LRs. of deceased Respondent Nos. 1, 5, 16 and 25 alongwith application for condonation of delay in filing substitution application . There is a delay of 3663, 4963, 3875 and 3822 days in filing substitution application. Notice of motion are yet to be issued.

Further, Counsel for the appellant has on 17.02.2014 filed application for bringing on record the Lrs. of deceased Respondent Nos. 2,26, 31 and 38 and an application for deletion of Respondent No. 41 but she has not filed the death certificate in respect of deceased Respondents.

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The matter was listed before the Hon'ble Judge in Chambers on 27<sup>th</sup> February, 2014 with

office report on default dated 10.12.2013, when the Court was pleased to pass the following order:

**“Despite giving opportunity to the appellant by this Court by order dated 06.02.2014 to take steps by substituted service of notice on the unserved respondents, the steps are not taken by the appellant. Accordingly, the civil appeal as against the unserved respondents stands dismissed.**

**Post the matter before the Bench to pass appropriate orders.”**

It is submitted that Ms. Manjusha Wadhwa, Advocate has on 28.03.2014 filed an application for recall of order dated 27.02.2014 against the unserved respondent Nos. 6, 7, 24 and 28.

### **CIVIL APPEAL NO. 8551 OF 2009**

There are 14 respondents. Respondent Nos. 5 and 6 are represented by Dr. (Mrs.) Vipin Gupta, Advocate. Respondent Nos. 2, 3, 7, 8, 10 and 11 have been served with Notice of Lodgment of Petition of Appeal through High Court but they have chosen not to enter appearance. Respondent Nos. 9, 12, 13 and 14 have been deleted from the array of the parties vide this Court's order dated 17.09.2013.

It is submitted that Respondent Nos. 1 and 4 are reported dead. Mrs. Rekha Palli, Counsel for the appellants has on 26.04.2012 filed an application for substitution for bringing on record the Lrs. of deceased Respondent Nos. 1 and 4 but the same is defective for the following reasons:-

1. Counsel has neither mentioned the date of death of the deceased Respondent nor filed death certificate. Accordingly, application for condonation of delay in filing the application for substitution is required.
2. The averment regarding “no other Lrs. except mentioned in the application” has not been given in the application.

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The matter was listed before the Hon'ble Judge in Chambers on 14<sup>th</sup> February, 2014

,with office report on default dated 21<sup>st</sup> December, 2013, when the Court was pleased to pass the following order:

**“Four weeks' time is granted to learned counsel for the appellants to cure the defects in the application for substitution of LR's of deceased Respondent Nos. 1 and 4.”**

It is submitted that Counsel for the appellant has not done the needful till date.

**CIVIL APPEAL NO. 5256 OF 2012**

There are 10 respondents in this appeal. Respondent Nos. 1 to 3, 5, 7, 8 and 10 have been served with Notice of Lodgment of Petition of Appeal through High Court but they have chosen not to enter appearance so far.

Notice in respect of Respondent Nos. 4 and 9 have been received back with remarks “not residing at the given address” . Respondent No. 6 has expired but counsel for the appellant has not taken any steps despite this Registry's letter dated 08.03.2013 and 25.06.2013.

Service is not complete.

It is submitted that Counsel for the appellants has not filed Statement of of Case till date despite this Registry's Notice dated 25<sup>th</sup> July, 2013.

**CIVIL APPEAL NO. 7573 OF 2009**

There are nine respondents in this Appeal. Respondent No. 1 is represented by Mr. Brij Bhushan, Advocate. Respondent Nos. 2 to 3 and 5 to 9 have been served with notice at SLP stage but have not chosen to enter appearance. Appeal stood dismissed against Respondent No. 4 vide this Court's Order dated 09.02.2012.

It is submitted that Counsel for both parties have not filed Statement of Case till date.

**CIVIL APPEAL NO. 5727 OF 2011**

There are seven respondents in this Appeal and they are represented by Mr. Ravindra Keshavrao Adsure, Advocate.

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It is submitted that Counsel for both parties have not filed Statement of Case till date.

**CIVIL APPEAL NO. 8132 OF 2011**

There are nine respondents in this Appeal. Respondent No. 7 is represented by Md. Shahid Anwar, Advocate. Respondent Nos. 1, 3 to 6 have been served with Notice of Lodgment of Petition of Appeal through High Court and certificate of service is awaited in respect of Respondent No. 8. Respondent Nos. 2 and 9 have been deleted from the array of the parties vide Court's Order dated 16.09.2011 and 05.11.2012 respectively.

It is submitted that Counsel for the appellant has filed Statement of Case but Counsel for the respondent has not filed Statement of case till date.

**CIVIL APPEAL NO. 9616 OF 2010**

It is submitted that the High Court vide its letter dated 28.05.2011 has informed that sole respondent in the matter has expired. Counsel for the appellant has not taken any steps to bring on record the Lrs. of deceased sole respondent.

Service is not complete.

Original Record in all the matters have been received from the High Court and are available in this Registry for the reference of the Hon'ble Court .

The appeal above-mentioned is listed before the Hon'ble Court with this report.

Dated this the 28<sup>th</sup> day of April, 2014.

Sd/-

**ASSISTANT REGISTRAR**

Copy to:

1. Mr. Abhishek Atrey, Advocate
2. Mr. Ajay Kumar, Advocate
3. Mr. Vikas Upadhyay, Advocate
4. Mr. Debasis Misra, Advocate
5. Mr. Brij Bhushan, Advocate
6. Mr. Sudarshan Lal Aneja, Advocate
7. Mr. R.K. Adsure, Advocate
8. Mr. Gagan Gupta, Advocate
9. Md. Shahid Anwar, Advocate
10. Mr. P.K. Jain, Advocate

**ASSISTANT REGISTRAR**

suantak/c-3.