

SECTION IV B Listed on.17.11.2015
Court No.1
IN THE SUPREME COURT OF INDIA Item No.8
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 35214, 35215, 35217, 35218, 35219, 35220, 35222, 35223, 35224, 35225, 35227-35237 OF 2013

AND

INTERLOCUTORY APPLICATION NOS. 2, 3 & 4 IN SLP(C) NO.35214/2013

(Application for substitution of deceased Respondent Nos.1, 5 & 6, condonation of delay with prayer for setting aside abatement and application for exemption from filing official translation)

AND

INTERLOCUTORY APPLICATION NOS. 4, 5 & 6 IN SLP(C) NO.35215/2013

(Application for substitution of deceased Respondent No.1, condonation of delay with prayer for setting aside abatement and application for exemption from filing official translation)

AND

INTERLOCUTORY APPLICATION NOS. 4, 5 & 6 IN SLP(C) NO.35219/2013

(Application for substitution of deceased Respondent No.1, condonation of delay with prayer for setting aside abatement and application for exemption from filing official translation)

AND

INTERLOCUTORY APPLICATION NOS. 2, 3 & 4 IN SLP(C) NO.35220/2013

(Application for substitution of deceased Respondent No.2, condonation of delay with prayer for setting aside abatement and application for exemption from filing official translation)

WITH PRAYER FOR INTERIM RELIEF

Cement Corporation of India Ltd. Etc. Etc. Petitioner(s)

Versus

Gurjant Singh & Ors. Etc. Etc.

Respondent(s)

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 25.10.2013, when the Court was pleased

to pass the following order :-

" Permission to file special leave petition is granted.

Delay condoned.

Issue notice to the respondents in all the cases returnable in four weeks.

In the meanwhile, the operation of the impugned judgment of the High Court shall remain stayed only to the extent that the respondents be paid @ Rs. 120 per sq. yard with all consequential benefits."

Accordingly, show cause notice was issued on 10.03.2014 to all the Respondents in all the above-mentioned matters.

Service position of each matter is as under:

SLP No.	Total Respondent	A.D .	Dasti	V/A	C/A/short reply/short affidavit	Application for substitution	Unserviced	Remarks
35214	15	8 to 10, 14, 15	-	2,3, 4, 7, 11, 12 &13	2,4,7	1 (dead), 5 (dead), 6 (dead), Applications alongwith Vakalatnama on behalf of proposed Lrs. of deceased Respondent Nos. 1[1(i) to 1(ii)], 5[5(i) to 5(iii)], 6 [6(i) to (ix)]	-	Incomplete
35215	6	5	6	2	-	1 (dead) Applications alongwith Vakalatnama on behalf of Proposed Lrs. of deceased Respondent Nos. 1[1(i) to 1(ix)]	3 & 4	Incomplete

SLP No.	Total Respondent	A.D .	Dasti	V/A	C/A/short reply/short affidavit	Application for substitution	Unreserved	Remarks
35217	11	4	11	10 & 11	10 & 11 (Defective)	-	1 to 3 & 5 to 9	Incomplete
35218	3	-	-	2 & 3	2 & 3 (Defective)	-	1	Incomplete
35219	8	7		2,3, 4,5, 6 & 8	8 (Defective)	1 (dead) Applications alongwith Vakalatnama on behalf of Proposed Lr. of deceased Respondent Nos.1[1(i) to 1(ii)]	-	Incomplete
35220	4	-	-	1, 3 & 4	3&4	2 (dead) Applications alongwith Vakalatnama on behalf of proposed Lrs. of deceased Respondent Nos.2[2(i) to 2(iii)]	-	Incomplete
35222	6	5	-	1 to 4 & 6	1 to 4 & 6, only 6 (Defective)	-	-	Complete
35223	3	-	-	2 & 3	2 & 3	-	1	Incomplete
35224	10	-	-	9 & 10	9 & 10	-	1 to 8	Incomplete
35225	6	-	-	1 to 4, 5 & 6	5 & 6	-	-	Complete
35227-37						-		
35227	4	-	-	1 to 4	-	-	-	Complete
35228	6	-	-		-	-	1, 2(i) to 2(iv),3,4,5, 6	Incomplete
35229	4	-	-	-	-	-	1 to 4	Incomplete

SLP No.	Total Respondent	A.D .	Dasti	V/A	C/A/short reply/short affidavit	Application for substitution	Unreserved	Remarks
35230	6	2,3,5,6	4	-	-	-	1(died) Application for substitution not filed	Incomplete
35231	2	-	1	-	-	-	2(died) Application for substitution not filed	Incomplete
35232	1	-	-	-	-	-	1	Incomplete
35233-34	8	8	-	-	-	-	1 to 5, 6(a), 6(b),7	Incomplete
35235	14	2,4,11,12,14	3,13	-	-	-	1(died), 5(died), 6 to 10 Application for substitution not filed	Incomplete
35236	5	5	-	1 to 4	-	-	-	Complete
35237	2	2	-	-	-	-	1	Incomplete

It is submitted that Mr. Anis Ahmed Khan, Advocate has on 09.09.2015 filed application for substitutions, application for condonation of delay with prayer for setting aside abatement and application for exemption from filing official translation for deceased Respondent Nos. 1, 5 & 6 in SLP (C) No. 35214 of 2013, 2 in SLP (C) No. 35220 of 2013, 1 in SLP (C) No.35215 of 2013, 1 in SLP (C) No. 35219 of 2013 which is registered as I.A Nos. 2 to 4 in SLP (C) No. 35214 of 2013, I.A. Nos. 4 to 6 in SLP (C) No. 35215 of 2013 and I.A. Nos. 4 to 6 in SLP (C) No.35219 of 2013 and I.A. Nos. 2 to 4 in SLP (C) No.35220 of 2013 which is barred by time of (4717, 7268, 5576), 5576, 4717, 7268 days respectively. Copies of the same is

being circulated before the Hon'ble Court.

It is further submitted that counter affidavit/short reply on behalf of Respondent Nos. 3 & 4 in SLP (C) No. 35220 of 2013, Respondent Nos. 1 to 4 in SLP (C) No.35222 of 2013, Respondent Nos. 2 & 3 in SLP (C) No. 35224 of 2013, Respondent Nos. 9 & 10 in SLP (C) No. 35224 of 2013 and Respondent Nos. 5 & 6 in SLP (C) No. 35225 of 2013 is being circulated before Hon'ble Court.

It is submitted that counter affidavit on behalf of Respondent Nos. 2,4 & 7 in SLP (C) No. 35214 of 2013 is included in the SLP paper books.

It is submitted that short affidavit on behalf of Respondent Nos. 10 & 11 in SLP (C) No. 35217 of 2013 & Respondent Nos. 2 & 3 in SLP (C) No. 35218 of 2013 and Respondent No. 8 in SLP (C) No. 35219 of 2013 and Respondent No. 6 in SLP (C) No. 35222 of 2013 is defective as Annexure R-1 is not enclosed with the short affidavit. Being defective, copies of the same are not circulated.

It is further submitted that counsel for the petitioner has not provide better address in respect of other unserved respondents in all the matters so far. In view of Ld. Registrar order dated 09.07.2015

The matter above mentioned was lastly listed before the Ld. Registrar on 17.09.2015, when the following order was passed:-.

" The respondent Nos.1-4 in SLP (C) No.3522/2013 shall be at liberty to file the counter affidavit within a period of four weeks, whereafter no further extension shall be given.

Four weeks time as last chance is given to the Ld.counsel for the petitioner to comply with the terms of the order dated 09.07.2015 of this Court.

The office report is that Mr.Anis Ahmed Khan, Ld.counsel has on 09.09.2015 filed an application for substitution to bring on record the lrs. of the deceased respondent Nos.1, 5 & 6 in SLP (C) No.35214/2013, the

respondent No.2 in SLP (C) No.35220/2013, the respondent No.1 in SLP (C) No.35215/2013 & the respondent No.1 in SLP (C) No.35219/2013. The said I.As. Shall be processed for listing before the Hon'ble Judge in Chambers for further future directions. Await orders and list thereafter."

Service of show cause notice is not complete.

The matter is listed before the Hon'ble Court with this office report.

Dated this the 16th day of November, 2015.

ASSISTANT REGISTRAR

Copy to:-M/s. M.V. Kini & Associates, Adv.

Mr. Anis Ahmed Khan, Adv.

Mr. T.L. Garg, Adv.

Mr. Devender Singh, Adv.

ASSISTANT REGISTRAR

Com1/Mty