

**SECTION XII**

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**INTERLOCUTORY APPLICATION NO. 3**

(Application for substitution for bringing on record the legal representatives of deceased respondent No. 4)

AND

**INTERLOCUTORY APPLICATION NO. 4**

(Application for condonation of delay in filing application substitution)

AND

**INTERLOCUTORY APPLICATION NO. 5**

(Application for setting aside abatement)

IN

**CIVIL APPEAL NO. 5190 OF 2010**

Rajan Kattalat Attach. To Sri T. Devastn. ...Appellant

versus

Hairunnisa & Ors. ...Respondents

**OFFICE REPORT**

It is submitted that there are six respondents in the instant Civil Appeal. Respondent Nos. 1 to 3 and 5 are represented by Mr. Vikash Singh, Advocate. Certificate of service has been received from the High Court of Madras in respect of Respondent Nos. 4 and 6. Respondent No. 4 is reported dead and address of respondent No. 6 is wrong.

It is further submitted that pursuant Mr. K.K. Mani, Advocate has on 29th May, 2014 filed application for substitution for bringing on record legal heirs of deceased respondent No. 4 alongwith application for condonation of delay as there is delay of 531 days, the same is defective for the following reasons:-

1. Application of setting aside abatement not filed.
2. Death Certificate not filed.
3. The averment that deceased have no other legal representative not mentioned in the application.

It is further submitted that Office Report on Default was before the Hon'ble Judge-in-chambers on 29th March, 2016, when His Lordship was pleased to pass the following order:-

**"Finally, three weeks' time is granted to learned counsel for the appellant to remove the defects in application for substitution for bringing on record legal heir of deceased respondent No.4, failing which the civil appeal shall stand dismissed qua respondent NO.4 without further reference to the Court."**

In compliance to order quoted above, Mr. K.K. Mani, Counsel for the Appellant has cured two defects i.e. defect Nos. 1 and 3 but he has not filed death certificate of deceased Respondent No. 4. He has prayed in para 3 at page no. 9 of the application that appellant tried his best to get the death certificate of the deceased Mohammed Anwar from the Corporation but however the same was denied on the ground that the death certificate will be issued to the legal heirs and not to the third party. Counsel for the petitioner has also on 6th April, 2016 filed a letter in this regard (Copy of the letter is enclosed).

The applications in the matter above-mentioned are listed before the Hon'ble Judge-in-Chambers with this office report.

Dated this, the 5th day of July, 2016.

ASSISTANT REGISTRAR

COPY TO: Mr. K. K. Mani, Advocate.  
Mr. Vikash Singh, Advocate.

ASSISTANT REGISTRAR

vk

