

LISTED ON : 11.03.2016

BEFORE COURT NO.: 06

ITEM NO.: 47

SECTION-IX
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3579 OF 2010
WITH PRAYER FOR INTERIM RELIEF

WITH
INTERLOCUTORY APPLICATION NO.2
(Application for vacating stay filed by Mr. Ajay Kumar, Advocate)

AND
INTERLOCUTORY APPLICATION NO.4
(Application for directions filed by M/s. Khaitan & co., Advocates)

WITH
PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 40005-40006 OF
2012 AND CC NO. 12917 OF 2013

WITH PRAYER FOR INTERIM RELIEF
WITH
INTERLOCUTORY APPLICATION NOS.3-4
(Application for impleadment filed by M/s. Khaitan & Co., Advocates)

WITH
INTERLOCUTORY APPLICATION NOS. 9 -10
(Application for directions filed by M/s. Khaitan & co., Advocates)

CHARU KISHOR MEHTA ...PETITIONER

-VERSUS-

CHETAN P. MEHTA & ORS. ETC.RESPONDENTS

OFFICE REPORT

The SLP (c) No. 3579 of 2010 was listed before the Hon'ble Court on 14th January, 2010, when the Court was pleased to pass the following Order:-

***“Let notice be issued on the Special Leave
Petition.***

***Since the respondent No. 1 is
represented on caveat. Service on the said
respondent is dispensed with.***

Let notice be served on respondent Nos.

2 and 3 in the usual course and also by way of dasti. The respondents will be entitled to file their respective counter-affidavits within four weeks from today. Rejoinder, if any, may be filed within two weeks thereafter.

Proceedings in Application No. 15 of 2008 pending before the Joint Charity Commissioner, Mumbai, are stayed.”

Thereafter, SLP (c) Nos. 40005 – 40006 of 2012 along with Interlocutory Application Nos. 3-4 (application for impleadment) were listed before the Hon'ble Court on 21st January, 2013, when the Court was pleased to pass the following Order:-

“Exemption allowed.

Issue notice, returnable three weeks' hence.

Issue notice also on the applications for impleadment.

Since Respondent Nos.1 and 7 are represented on caveat, service of notice on the said respondents is dispensed with. Let the other respondents be served, both in the usual course and also by way of Dasti service.

The respondents will be entitled to file their respective counter affidavits to the special leave petitions within two weeks. Rejoinder affidavit, if any, may be filed within a week thereafter.

If any Trustee is appointed, such appointment will be subject to the result of the special leave petitions.”

The service position in the matters above-mentioned is as follows: -

SLP (C) NO. 3579 OF 2010

It is submitted for information of the Hon'ble Court that there are three Respondents in the instant matter. Respondent No. 1 is represented through Mr. Ajay Kumar, Advocate and he has filed reply affidavit which is already included in the paper books. Respondent Nos. 2 and 3 are represented through Mr. Nishant R. Katneshwarkar, Advocates but he has not filed counter affidavit on their behalf so far.

It is further submitted that counsel for the petitioner has filed rejoinder affidavit and additional affidavit which are already included in the paper books.

It is further submitted that Mr. Ajay Kumar, Advocate for the Respondent No.1 has filed application for vacating the interim order dated 14.01.2010 which is registered as I.A. No.2 and compilation of documents which is included in the paper books. Counsel for the petitioner has not filed reply to the I.A. No.2 vide Court's Order

dated 22.04.2010. M/s. Khaitan & Co., Advocates have filed application for directions which is registered as I.A. No.4 and is included in the paper books.

Service of notice is complete.

SLP (C) NOS. 40005 - 40006 OF 2012

It is submitted for information of the Hon'ble Court that there are fifteen common Respondents in the instant matter. M/s. Parekh & Co., Advocates have entered appearance on behalf of Respondent No.1 but not filed counter affidavit. Mr. Ajay Kumar, Advocate has entered appearance on behalf of Respondent No.7 and filed counter affidavit which is included in the paper books. But no one has entered appearance on behalf of Respondent Nos. 2 to 6 and 8 to 15 through served with the notice by way of registered A.D. and by dasti.

It is further submitted that service of notice is complete on all the proposed impleaded respondents but no one has entered appearance on their behalf so far.

It is lastly submitted that counsel for the petitioner has filed an application of directions which is registered as I.A. Nos. 9-10 and is included in the paper books.

Service of notice is complete.

SLP (C) NO. CC 12917 OF 2013

It is submitted for information of the Hon'ble Court that the instant matter has been filed against the Judgment and Order dated 24.01.2013 of the High Court of Judicature at Bombay and is barred by time by 20 days in filing the SLP and SLPs' against orders dated 21.02.2013 and 15.04.2013 of the High Court of Judicature at Bombay are within time.

Thereafter, the matter was listed before the Hon'ble Court on 9th September, 2013, when the Court was pleased to pass the following Order:-

**“List along with S.L.P. (C) NO. 3579/2010
etc. titled Charu Kishore Mehta Vs. Chetan P. Mehta
& Ors.”**

_____ Lastly, the matters above-mentioned along with connected matter were listed before the Hon'ble Court on 28th August, 2015, when the Court was pleased to pass the following Order:-

“List on 8th September, 2015.”

_____ The matters above mentioned are listed before the Hon'ble Court with this report.

Dated this the 9th day of March, 2016.

Sd/-
ASSISTANT REGISTRAR

Copy to:

M/s. Khaitan & Co., Advs.

Mr. Ajay Kumar, Adv.

Mr. Nishant R. Katneshwarkar, Adv.

Mr. Subrahmanya Prasad, Adv.

M/s. Parekh & Co., Advocates

Mr. Arjun Garg, Adv.

ASSISTANT REGISTRAR

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