

LISTED ON : 04.07.2014
COURT NO.: 05
ITEM NO : 01

SECTION XII A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 4

(Application for compromise in C.A. No. 6536 of 2010)

IN

CIVIL APPEAL NOS.6536-6537 OF 2010

WITH

**INTERLOCUTORY APPLICATION (UNDER SECTION 151 CPC filed on
04.04.2014 by Dr. Kailash Chand, Advocate)**

DAP CONTAINERS PVT. Ld. & ORS.

..APPELLANTS

- VERSUS -

B. CHANNA NARASIMHA AND ORS.

..RESPONDENTS

OFFICE REPORT

The I.A. No. 4 in the matter above-mentioned i.e. application for Recording of Compromise in C.A. No. 6536 of 2010 was listed before the Court on 4th April, 2014 and 17th April, 2014, when the Hon'ble Court was pleased to pass the following order:

04/04/2014:

“Ms. Uttara Babbar, learned counsel, has appeared and submitted that she has instructions to appear on behalf of Respondent No. 1 and shall file Vakalatnama within a week.

She is permitted to do so.

List on 17.04.2014.

If there is any change in the Deed of Compromise, it would be open to the parties to place on record the corrected Deed of Compromise before the next date of hearing.”

17/04/2014:

“List on 04.07.2014 so as to enable the learned counsel for the appellants to place on record the original Deed of Compromise. It shall be informed to the Court whether all the parties have entered into the compromise and if someone has not entered into the compromise, it shall be informed to the Court whether the person not being a party to the Deed of Compromise is having any interest in the property.”

It is submitted to Hon'ble Court that Counsel for the Appellant has not filed the original Deed of Compromise so far.

It is submitted that Dr. Kailash Chand, Advocate has on 15th April, 2014 filed plain copy of corrected deed of compromise instead of original compromise deed duly signed by all the parties. The same is placed before the Hon'ble Court for its kind perusal.

It is further submitted to the Hon'ble Court that Dr. Kailash Chand, Advocate for the Appellant has on 4th April, 2014 filed an application under Section 151 CPC for delete parties 8 to 10 in the deed of compromise dated 16th May, 2010 and add the name of Mrs. Kanatireddy Sabitha in the said deed instead of Civil Appeal.

It is also submitted that name of Kanatireddy Samitha shownn in the application as well as in deed of compromise but the same is not shown in Civil Appeal however the same is circulated before the Hon'ble Court for kind perusal.

Service is complete on I.A. No. 4.

It is further submitted that Counsel for the Appellant has on 24th March, 2014 filed an application for substituted service in respect of unserved Respondent Nos. 1, 2, and 6 to 11 in C.A. No. 6537 of 2010 by way of publication Notice has been issued to Counsel for publication with request to file an affidavit of service with proof but counsel for the appellant has not filed the said affidavit of service so far.

Service position of the matters:-

It is also submitted that there are 127 respondents in C.A. No. 6536 of 2010 and 86 Respondent in C.A. No. 6537 of 2010. Common respondent no.1 in C.A. No.6536 of 2010 and respondent no.15 in C.A. 6537 of 2010 are represented by Mrs. Rekha Pandey, Advocate. Respondent Nos. 87 to 127 are represented by Mr. B. Ramana Murthy, Advocate. Respondent Nos. 2 to 7 in CA No.6536/2010 & Respondent Nos. 3 to 5 & 13 and 14 in 6537/2010, have been served with the notice but they have not entered appearance before this Court so far.

The name of Respondent Nos. 8 to 86 in CA No. 6536 of 2010 and 16 to 86 in CA No. 6537 of 2010 have been deleted from the array of parties vide Hon'ble Judge-in-Chambers Order dated 10th December, 2010.

It is also submitted that counsel for the Appellant has on 8th October, 2013 filed statement of case but counsel for the Common Respondent No. 1 in C.A. No. 6536 of 2010, Respondent No. 15 in C.A. No. 6537 of 2010 and Respondent

Nos. 87 to 127 have not filed statement of case so far.

Service is incomplete on 1, 2 and 6 to 11 is CA No. 6537 of 2010.

Common Original Record in connected C.A. No.4837 of 2010 and 4838 of 2010 have been received from High Court and Lower Court.

The application in the matter above-mentioned are listed before the Hon'ble Court with this Office Report for Orders.

Dated this, the 1st day of July, 2014.

ASSISTANT REGISTRAR

Copy to:-

1. Dr. Kailash Chand, Advocate
2. Mr. Uttara Babbar, Advocate.
3. Mr. B. Ramanna Murthy, Advocate.

ASSISTANT REGISTRAR