

LISTED ON : 25/2015
COURT NO. :
ITEM NO. :

SECTION XIIA
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4731-4732, 4733, 4734-4735, 4736, 4837-4838, 6536-6537, 1196-1197, 7105-7106 of 2010 & 4276-4277 OF 2011 & SLP (C) NOS. 23864-23865 OF 2011

WITH

INTERLOCUTORY APPLICATION NOS. 17-18/2015 in CA Nos. 4731-4732/2010

(Application for restoration of Civil Appeal against Respondent No. 26 in CA No. 4731/2010 & Respondent No. 34 in CA No. 4732/2010)

AND

INTERLOCUTORY APPLICATION NOS.19-20/2015 in CA Nos. 4731-4732/2010

(Application for condonation of delay in filing the restoration)

AND

INTERLOCUTORY APPLICATION NOS...../2015 in CA Nos. 4731-4732/2010

(Application for setting aside abatement and condonation of delay in filing setting aside abatement in respect of application for restoration for Respondent Nos. 26 & 34)

AND

INTERLOCUTORY APPLICATION NOS. 21-22/2015 in CA Nos. 4731 & 4732/2010

(Application for substitution to bring on record the Legal Representatives Nos. 5 and 69 in CA Nos. 4731 & 4732/2010 respectively.)

AND

INTERLOCUTORY APPLICATION NOS. 23-24/2015 in CA Nos. 4731-4732/2010

(Application for condonation of delay in filing application for substitution)

AND

INTERLOCUTORY APPLICATION NOS. 25-26/2015 in CA Nos. 4731-4732/2010

(Application for setting aside the abatement against Respondent Nos. 5 and 69 and application for exemption from filing death certificate)

AND

INTERLOCUTORY APPLICATION NOS. 27-28/2015 in CA Nos. 4731-4732/2010

(Application for substitution to bring on record the LR. Of deceased Respondent Nos. 7 and 71)

AND

INTERLOCUTORY APPLICATION NOS. 29-30/2015 in CA Nos. 4731-4732/2010

(Application for exemption from filing death certificate in respect of Respondent No. 7 and 71)

AND

INTERLOCUTORY APPLICATION NOS. 31-32/2015 in CA No. 4731-4732/2010

(Application for impleadment filed by Ravinder Kr., Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 33-34/2015 in CA No. 4731-4732/2010

(Application for impleadment filed by Ram Lal Roy, Advocate on 19th May, 2015)

AND

INTERLOCUTORY APPLICATION NOS. .../2015

(Application for substitution to bring on record the LR. of deceased Respondent Nos. 5 and 7 in CA No. 4736/10 Respondent Nos. 83 and 85 in CA No. 4733/10)

AND

INTERLOCUTORY APPLICATION NOS. .../2015 in CA No. 4736 and 4733/2010
(Application for condonation of delay in filing substitution & setting aside abatement in Civil Appeal Nos. 4736 and 4733/2010)

AND

INTERLOCUTORY APPLICATION NOS. .../2015 in CA Nos. 4734-4735/2010
(Application for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION NOS. 17-18/2015 in CA Nos. 4734-4735/2010
(Application for substitution to bring on record the Legal Representatives Nos. 5 and 71)

AND

INTERLOCUTORY APPLICATION NOS. 19-20/2015 in CA Nos. 4734-4735/2010
(Application for condonation of delay in filing application for substitution and setting aside the abatement)

AND

INTERLOCUTORY APPLICATION NOS. 21-22/2015 in CA Nos. 4734-4735/2010
(Application for exemption from filing death certificate)

AND

INTERLOCUTORY APPLICATION NOS. 23-24/2015 in CA Nos. 4734-4735/2010
(Application for substitution to bring on record the Legal Representatives Nos. 7 and 73)

AND

INTERLOCUTORY APPLICATION NOS. 25-26/2015 in CA Nos. 4734-4735/2010
(Application for exemption from filing death certificate)

AND

INTERLOCUTORY APPLICATION NOS.7-8/2015 in CA Nos. 4837-4838/2010
(Application for dispensed with service on Respondent filed on 08.08.2014 by Mr. Abhijit Sengupta, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 9-10/2015 in CA Nos. 4837-4838/2010
(Application for dispensed with service on unserved Respondent filed on 10.12.2014 by Mr. Abhijit Sengupta, Advocate)

AND

(Letter of Abhijit Sengupta, Advocate for the Appellant for dasti service)

AND

INTERLOCUTORY APPLICATION NO. 4 in CA Nos. 6536-6537/2010
(Application for compromise in C.A. No. 6536 of 2010)

AND

INTERLOCUTORY APPLICATION NO. 6 in CA Nos. 6536-6537/2010
(Application for Impleadment filed by Ms. T. Anamika, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 7-8 in CA Nos. 6536-6537/2010
(Application for Impleadment filed by Mr. Ejaz Maqbool, Advocate)

IN

INTERLOCUTORY APPLICATION NOS.9-10/2015 in CA Nos. 6536-6537/2010
(Application for Impleadment filed by M/s. Lawyer's Knit Co., Advocates)

AND

INTERLOCUTORY APPLICATION NOS..../2015 in CA Nos. 6536-6537/2010
(Application for substitution to bring on record the Lrs. of deceased Respondent Nos. 5 and 7 in CA No. 6536/2010 filed by Dr. Kailash Chand, Advocate)

AND

INTERLOCUTORY APPLICATION NOS...../2015 in CA Nos. 7105-7106/2010

(Application for deletion the name of Respondent No. 69 in CA No. 7105/2010 & Respondent No. 62 in CA No. 7106/2010 filed by Mr. A. V. Balan, Advocate)

AND

INTERLOCUTORY APPLICATION NOS..... /2015 in CA Nos. 4276-4277/2011

(Application for Impleadment filed by M/s. Lawyer's Knit Co., Advocates)

T. RAVI & ANR. ETC.

...APPELLANTS

-VERSUS -

B. CHINNA NARASIMHA & ORS. ETC.

...RESPONDENTS

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 14th January, 2015, when the Hon'ble Court was pleased to pass the following Order:-

“It is reported that in one of the appeals respondent Nos. 5 and 7 are dead. Necessary steps shall be taken within four weeks.

List the matter after four weeks. ”

It is submitted that Dr. Kailash Chand, Advocate has on 13th April, 2015 filed common application for substitution to bring on record the Lr. Of deceased Respondent Nos. 5 and 7 in CA No. 6536 of 2010 and Respondent nos. 71 and 73 in CA No. 6537 of 2010 alongwith an application for condonation of delay in filing substitution application as there is a delay of 135 days in respect of Respondent no. 5, and 48 days in respect of Respondent no. 7 in CA No. 6536 and 6537 of 2010, respectively. Counsel has also prayed for setting aside the abatement. The above-said application is defective as name of Respondent No. 71 and 73 in CA No. 6537 of 2010 have already been deleted vide Hon'ble Court order dated 10th December, 2010 and death certificate of Respondent no. 7 in CA No. 6536 of 2010 has not been filed, however prayer for exemption from filing death certificate is made in the application. Notice of motion in respect of proposed Lr. also not filed alongwith application. Hence, unregistered applications are placed alongwith paper-books.

It is submitted that Mr. Ejaz Maqbool, Advocate for the appellant has not taken steps to bring on record the Lrs. of deceased common Respondent No. 55 in CA No. 1196 of 2010 and Respondent No. 2 in CA No. 1197 of 2010 and Respondent No. 72 in both the appeal so far. Counsel for the appellant has also not taken steps in respect of correct address of unserved Respondent so far.

It is further submitted that counsel for the appellant has not taken any appropriate steps for bringing an record the Lrs. of deceased common

Respondent No. 13 in CA No. 7105/2010 and Respondent No. 21 in CA No. 7106/10, Common Respondent No. 19 CA No. 7105/2010 and Respondent No. 27 in CA No. 7106 of 2010, Common Respondent No. 33 in CA No. 7105 of 2010 and Respondent No. 41 in CA No. 7106 of 2010 so far.

It is further submitted that Counsel for the appellant has not taken any steps in respect of unserved Common Respondent No. 69 in CA No. 7105 of 2010 and Respondent No. 62 in CA No. 7106 of 2010, Common Respondent No. 82 in CA No. 7105 of 2010 and Respondent No. 78 in CA No. 7106 of 2010 so far.

It is submitted that status of the matters of Civil Appeals are as under:-

Civil Appeal Nos. 4731-4732 of 2010

These are the appeals by Special Leave filed against the Judgment and Order dated 15.04.2010 of the High Court of Judicature, Andhra Pradesh at Hyderabad in SA No. 410 and 411 of 2008.

The office Report on default dated 30th October, 2014 in appeals above-mentioned were listed before the Hon'ble Judge-in-chamber on 10th November, 2014, when the Court was pleased to pass the following Order:-

“Learned counsel for the appellant is not present. Learned counsel for Respondent Nos. 1 and 3 are present.

Application to bring the LRs of Respondent No.26 in Civil Appeal No.4731 of 2010 and Respondent No.34 in Civil Appeal Nos.4732 of 2010 is filed along with an application for condonation of delay in filing the application for substitution. But the application for substitution is not maintainable without an application for setting aside the abatement.

Hence, the appeals against Respondent No.26 in Civil Appeal No.4731 of 2010 and Respondent No.34 in Civil Appeal No.4732 of 2010 are dismissed.

Post the matter before an appropriate Bench for appropriate orders.”

It is submitted to the Hon'ble Court that M/s. Lawyer's Knit & Co., Advocates has on 5th January, 2015 filed an application for restoration/recalling the order dated 10th November, 2014 passed in I.A. Nos. 13-14/2014 alongwith an application for condonation of delay in filing application for restoration/recalling of order and application for condonation of delay in filing restoration. The same have been registered as I. A.Nos 17-18 and 19-20 and placed for Hon'ble Court kind perusal.

It is further submitted that M/s. Lawyer's Knit & Co., Advocates has on 23rd February, 2015 filed application for setting aside abatement and condonation

of delay in filing setting aside abatement in respect of Respondent Nos. 26 and 34

It is also submitted that counsel for the appellant has on 27th February, 2015 filed application for substitution to bring on record the deceased Respondent Nos. 5 and 69 in CA Nos. 4731 and 4732 of 2010 respectively alongwith application for condonation of delay in filing the same and setting aside the abatement as against Respondent Nos. 5 and 69 in CA No. 4731 and 4732 of 2010 and an application for exemption from filing death certificate. The same have been placed before the Hon'ble Court as I. A. Nos. 21-22, 23-24 & 25-26/2015 respectively, Notice of motion also not filed by the counsel.

It is further submitted that counsel for the appellant has on 27th February, 2015 filed an application for substitution to bring on record the Lr. Of deceased Respondent No. 7 and 71 in CA No. 4731 and 4732 of 2010. The said application is within time but counsel has not filed death certificate of deceased Respondent accordingly counsel has filed an application for exemption from filing death certificate. Both the application are placed before the Hon'ble Court as I.A. Nos 27-28 & 29-30/2015 respectively. Notice of motion also not filed by the counsel alongwith application.

It is also submitted that Mr. Ravinder Kumar, Advocate has on 14th March, 2015 filed an application for impleadment as party Respondent. The same has been registered as I. A. Nos. 31-32 and is placed before Hon'ble Court's Kind perusal.

It is submitted that Mr. Ram Lal Roy, Advocate has on 19th May, 2015 filed an application for impleadment. The same has ben regd.as I.A.Nos. 33-34 and is placed for Hon'ble Court's kind perusal.

It is submitted that there are 98 respondents in each of Appeals above-mentioned. Common respondent nos.1 and 70 in C.A. No. 4731 of 2010 and Respondent 65 and 15 in C.A. 4732 of 2010 are represented by Mr. Uttara Babbar, Advocate and Respondent Nos. 2 to 4 & 7 in C.A. No. 4731 of 2010 and Respondent Nos. 66 to 68 and 70 in C.A. No. 4732 of 2010 are represented by Mrs. Rekha Pandey, Advocate. Respondent nos. 8, 36 to 38 in C.A. No. 4731 of 2010 and Respondent nos. 16, 44 to 46 in C.A. No. 4732 of 2010 are represented by Mrs. Anjani Aiyagari, Advocate. Common respondent no. 72 in both the appeals is represented by Mr. B K Satija, Advocate. Common

respondent Nos. 14 to 17 in C.A. No. 4731 of 2010 and Respondent nos. 22 to 25 in C.A. No. 4732 of 2010 are represented by Mr. A. Venyagam Balan, Advocate. Respondent nos. 28 to 30 in C.A. No. 4731 of 2010 and Respondent nos. 36 to 38 in C.A. No. 4732 of 2010 are represented by Mr. Abhijit Sen Gupta, Advocate.

Respondent No. 9 in CA No. 4731/2010 & 17 in 4732/2010, Respondent No. 24 in CA No.4731/2010 & 32 in 4732/2010, Respondent No. 31 in CA No. 4731/2010 & 39 in 4732/2010, Respondent No. 32 in CA No. 4731/2010 & 40 in 4732/2010, Respondent No. 40 in CA No. 4731/2010 & 48 in 4837/2010, Respondent No. 41 in CA No. 4731/2010 & 49 in 4732/2010, Respondent No. 43 in CA No. 4731/2010 & 51 in 4732/2010, Respondent No. 44 in CA No. 4731/2010 & 52 in 4732/2010, Respondent No. 45 in CA No. 4731/2010 & 53 in 4732/2010, Re4731spondent No. 46 in CA No. 4731/2010 & 54 in 4732/2010, Respondent No. 47 in C.A. No.4731/2010 and 55 in C.A. No. 4732/2010, Respondent No. 48 in C.A. No.4731/2010 and 56 in C.A. No. 4732 of 2010, Respondent No. 58 in CA No.4731/2010 & 3 in 4732/2010, Respondent no. 59 in C.A. No. 4731/2010 and 4 in C.A. No. 4732/2010, Respondent no. 60 in C.A. No. 4731/2010 and 5 in C.A. No. 4732/2010, Respondent no. 63 in C.A. No. 4731/2010 and 8 in C.A. No 4732/2010 Respondent no. 67 in C.A. No. 4731/2010 and 12 in C.A. No. 4732/2010, Respondent no. 68 in C.A. No. 4731/2010 and 13 in C.A. No. 4732/2010, Respondent no. 69 in C.A. No. 4731/2010 and 14 in C.A. No 4732/2010 Respondent no. 76 in C.A. No. 4731/2010 and 76 in C.A. No. 4732/2010, Respondent no. 80 in C.A. No. 4731/2010 and 96 in C.A. No. 4732/2010, Respondent no. 81 in C.A. No. 4731/2010 and 97 in C.A. No 4732/2010, Respondent no. 83 in C.A. No. 4731/2010 and 9 in C.A. No. 4732/2010, Respondent no. 84 in C.A. No. 4731/2010 and Respondent no. 80 in C.A. No. 4732/2010, Respondent no. 85 in C.A. No. 4731 of 2010 and 81 in C.A. 4732/2010 and respondent no. 86 in C.A. No. 4731/2010 and 82 in C.A. No. 4732/2010, Respondent no. 87 in C.A. No. 4731/2010 and 83 in C.A. No. 4732/2010, Respondent no. 88 in C.A. No. 4731/2010 and 84 in C.A. No. 4732/2010, Respondent no. 89 in C.A. No. 4731/2010 and 85 in in C.A. No. 4732/2010, Respondent no. 90 in C.A. No. 4731/2010 and 86 in C.A. No. 4732/2010, Respondent no. 72 in C.A. No. 4731/2010 and 88 in C.A. No. 4732/2010, Respondent no. 93 in C.A. No. 4731/2010 and 89 in C.A. No. 4732/2010 and Respondent no. 94 in C.A. No. 4731/2010 and 90 in C.A. No. 4732/2010. Respondent no. 96 in C.A. no. 4731/2010 and 92 in C.A. no.

4732/2010, Respondent no. 97 in C.A. No. 4731/2010 and 93 in C.A. No. 4732/2010 and Respondent no. 98 in C.A. No. 4731/2010 and 94 in C.A. No. 4732/2010 have been served with the notice but they have not entered appearance before this Court so far.

It is also submitted that counsel for the petitioner has on 23rd September, 2014 filed affidavit of service with proof of publication in respect of following Respondent Nos. 12, 13, 18, 20 to 22, 25 to 27, 35, 42, 49-52, 54, 57, 61-62, 64-66, 73 and 75, 77 to 79, 82, 91 and 95 in C.A. No. 4731 of 2010 and Respondent Nos. 2, 6, 7, 9 to 11, 20-21, 26, 28-30, 33 to 35, 43, 50, 57 to 60, 62, 73, 75, 77, 78, 87, 91, 95 and 98 in C.A. No. 4732 of 2010. But no one has entered appearance so far.

The name of Respondent nos. 10, 11, 19, 23, 33, 34, 39, 53, 55 and 56 in C.A. No. 4731/2010 and Respondent nos. 18, 19, 27, 31, 41, 42, 47, 61, 63 & 1 in C.A. No. 4732/2010 have been deleted from array of parties vide Court's order dated 24th February, 2011.

The name of common Respondent No. 74 in CA No. 4731/2010 & 4732 of 2012 has been deleted vide Court's Order dated 21st July, 2014.

It is lastly submitted that appeal against Respondent No. 26 in CA No. 4731 and Respondent No. 34 in 4732 of 2010 has been dismissed vide Court's Order dated 10th November, 2014.

Service is incomplete on proposed Lr. of deceased Respondent Nos. 5 and 69 in CA No. 4731 and 4732 of 2010 and proposed Lr. of deceased Respondent Nos. 7 and 71 in CA Nos. 4731 and 4732 of 2010, respectively.

Civil Appeal No. 4733 of 2010

It is submitted to the Hon'ble Court that there are 113 Respondent in the Appeal. Respondent Nos. 32, 33, 34, 35 are represented by Mr. A. V. Venayagam Balan, Advocate and Respondent No. 79 is represented by Ms. Rekha Pandey, Advocate. Respondent Nos. 49 & 56 are represented by M/s. Lawyer's Knit & Co., Advocates Respondent Nos. 48, 54 & 50, 55 are represented by Ms. T. Anamika, Advocate, Respondent nos. 4 to 6, 10, 14-17, 110 and 111 have been served with the notice but they have not entered appearance before this Court so far.

It is further submitted that the name of Respondent nos. 1, 9, 19 to 29, 41, 44, 45 47 and 113 have been deleted from the array of parties vide Hon'ble Judge in Chambers order dated 18.02.2011, 8.8.2014 and service of notice on Respondent nos. 18, 30-40, 42, 43, 51, 57-72, 77, 80-86, 88 to 108 have been

dispensed with. Notice of service on Respondent No. 46 has also been dispensed with vide Ld. Registrar Order dated 25th April, 2014.

Service is complete.

Civil Appeal Nos. 4734-4735 of 2010

These are the appeals by Special Leave filed against the Judgment and Order dated 15th April, 2010 of the High Court of Judicature, Andhra Pradesh at Hyderabad in Second Appeal SA Nos. 410 of 2007 and 411 of 2008.

It is submitted to the Hon'ble Court that Mr. Vipin Kumar Jai, Advocate has on 27th February, 2015 filed an application for substitution to bring on record the Lr. Of deceased Respondent Nos. 5 and 71 in CA Nos. 4734-4735 of 2010, respectively alongwith an application for condonation of delay in filing the same and an application for setting aside the abatement as against Respondent Nos. 5 and 71 in CA No. 4734-4735 of 2010 but counsel has not filed death certificate of deceased Respondent. Accordingly, an application for exemption from filing death certificate is filed. Now, counsel has on 13th March, 2015 filed death certificate of Deceased Respondent No. 5 and Respondent No. 71 in CA Nos. 4734 and 4735 of 2010. Notice of motion for proposed Lr has also been filed. The same have been issued to counsel from the Appellant for effecting service of proposed Lr. With request to filed affidavit of service. The said applications are placed before the Hon'ble Court.

It is further submitted that Mr. Vipin Kumar Jai, Advocate has on 27th February, 2015 filed an application for substitution to bring on record the Lr. of Respondent Nos. 7 and 73 in CA Nos. 4734-4735 of 2010 alongwith an application for exemption from filing the death certificate as counsel has not filed the death certificate in respect of deceased Respondent Nos. 7 and 73.

It is also submitted that there are 99 Respondents in each of the appeals. Common respondent no.1, 72 in C.A. No.4734 of 2010 and respondent no.15, 67 in C.A. 4735 of 2010 are represented by Mrs. Rekha Pandey, Advocate. Respondent Nos.14 to 17 in C.A. No.4734 of 2010, Respondent nos.22 to 25 in C.A. No.4735 of 2010 are represented by Mr. A. Venyagam Balan, Advocate. Respondent No. 26A to 26F in CA No. 4734/2010 and Respondent No. 34A to 34F are represented by Mr. T.V. Ratnam, Advocate.

Respondent No. 2 in CA No.4734/2010 & 68 in 4735/2010, Respondent No. 3 in CA No.4734/2010 & 69 in 4735/2010, Respondent No. 4 in CA No.4734/2010 & 70 in 4735/2010, Respondent No. 6 in CA No.4734/2010 & 72 in 4735/2010, Respondent No. 32 in CA No.4734/2010 & 40 in 4735/2010,

Respondent No. 33 in CA No.4734/2010 & 41 in 4735/2010, Respondent No. 60 in CA No. 4734/2010 & 3 in 4735/2010, Respondent No. 61 in CA No. 4734/2010 & 4 in 4735/2010, Respondent No. 62 in CA No. 4734/2010 & 5 in 4735/2010, Respondent No. 65 in CA No. 4734/2010 & 8 in 4735/2010, Respondent No. 69 in CA No. 4734/2010 & 12 in 4735/2010, Respondent No. 70 in CA No.4734/2010 & 13 in 4735/2010, Respondent No. 71 in CA No.4734/2010 & 14 in 4735/2010, Respondent No. 78 in CA No.4734/2010 & 4735/2010, Respondent No. 82 in C.A. No.4734/2010, Respondent No. 83 in C.A. No.4734/2010, Respondent No. 85 in CA No.4734/2010 & 81 in 4735/2010 have been served with the notice but they have not entered appearance before this Court so far.

It is further submitted that the name of Respondent Nos.8 to 13, 18 to 25, 27 to 31, 34 to 52, 56, 57, 73, 74, 76 & 86 to 99 In C.A. No. 4734/2010 and Respondent Nos.16 to 21, 26 to 33, 35 to 39, 42 to 60, 64 to 66, 74, 76 & 82 to 99 in C.A. NO. 4735/2010 have been deleted from the array of parties vide Hon'ble Judge-in-Chambers Order dated 18th February, 2011 and 11th July, 2014.

It is also submitted that service is complete on common respondent nos. Respondent No. 53 in CA No.4734/2010 & 61 in 4735/2010, Respondent No. 54 in CA No.4734/2010 & 62 in 4735/2010, Respondent No. 55 in CA No.4734/2010 & 63 in 4735/2010, Respondent No.58 in C.A. 4734/2010 & Respondent No.1 in C.A. 4735/2010, Respondent No. 59 in CA No. 4734/2010 & 2 in 4735/2010, Respondent No. 63 in CA No. 4734/2010 & 6 in 4735/2010, Respondent No. 64 in CA No. 4734/2010 & 7 in 4735/2010, Respondent No. 66 in CA No. 4734/2010 & 9 in 4735/2010, Respondent No. 67 in CA No. 4734/2010 & 10 in 4735/2010, Respondent No. 68 in CA No. 4734/2010 & 11 in 4735/2010, Respondent No. 75 CA No.4734/2010 & 4735/2010, Respondent No. 77 in CA No.4734/2010 & 4735/2010, Respondent No. 79 in CA No. 4734/2010 & 4735/2010, Respondent No. 80 in CA No.4734/2010 & 4735/2010, Respondent No.81 in C.A. No.4734 of 2010, Respondent No.84 in C.A. No.4734/2010 by way of publication as counsel has filed affidavit of service in respect of above said Respondents but no one has entered appearance on their behalf so far.

Service is incomplete on proposed Legal Representatives of deceased Respondent Nos. 5 and 71 in CA Nos. 4734 & 4735/2010 and proposed Lr of deceased Respondent Nos. 7 and 73 in CA Nos. 4734 & 4735/2010.

Civil Appeal No. 4736 of 2010

It is submitted to the Hon'ble Court that Dr. Kailash Chand, Advocate has on 25th February, 2015 filed an application for substitution to bring on record

the Lr. Of deceased Respondent Nos. 5 and 7 in CA Nos. 4736 and Respondent No. 83 and 85 in CA No. 4733/2010 along with an application for condonation of delay in filing substitution and setting aside abatement but the application is defective that the death certificate of deceased Respondents has not been filed and deficit Court fee is required to be filed. Date of death also not mentioned & copy of its has not been served to M/s. Lawyer's Knit & Co., Advocate. Hence, unregistered applications are placed herewith.

It is also submitted that name of Respondent No. 21 & 68 have been deleted and added qua respondent No. 89 stands abated. Cause title has been amended vide Court's order dated 27th January, 2015.

There are 113 Respondents. Respondent Nos. 1 and 85 are represented by Ms. Rekha Pandey, Advocate. Respondent Nos. 22 to 25 are represented by Mr. A Venayaga Balan, Advocate. Respondent Nos. 61, 63, 65, 88, 90-93 & 98 are represented by Mr. Manoj C. Misra, Advocate. Respondent Nos. 38 & 40 are represented by Ms. T. Anamika, Advocate, Respondent Nos. 39 & 46 are represented by M/s. Lawyer's Knit & Co., Advocate

Certificate of service in respect of Respondent Nos. 2 to 7, 20, 42, 43, 33, 36, 64, 91, 99, 100 to 105, 108 and 109 have been received from High Court but no one has entered appearance on their behalf so far.

It is submitted that name of Respondent Nos. 9-15, 16-19, 31-32, 34, 35, 37, 69 and 77 have been deleted and service of notice on Respondent Nos. 8, 26-30, 41, 44-45, 47-62, 66, 67, 70-76, 78-87, 94-97, 106 -107 and 110 to 113 is dispense with vide Court's order dated 18th February, 2011 passed in I.A Nos. 4 and 5.

Service is complete.

Civil Appeal Nos. 4837-4838 OF 2010

These are the appeals by Special Leave filed against the Judgment and Order dated 15.04.2010 of the High Court of Judicature, Andhra Pradesh at Hyderabad in SA No. 410 of 2008 and SA No. 411 of 2008. It is submitted that Civil Appeal above-mentioned were listed before the Registrar Court on 30th April, 2014 & 17th September, 2014, when he was pleased to pass the following order:

30/04/2014:

“Ld.counsel for the petitioners is present. He seeks and is given four weeks time as last chance for filing the fresh particulars and taking appropriate steps for the service of notice to the unserved respondents. The served respondents shall be at liberty to file the counter affidavit within a period of four weeks in case they intend to do so.

Await the return of the service of notice already issued to the unserved respondents.

List again on 21.08.2014.”

17/09/2014:

“Civil Appeal Nos.4837-4838/2010

The office report states that although by order dated 30.04.2014 of this Court, four weeks time as last chance was given to the Ld.counsel for the petitioners to file the fresh particulars and to take appropriate steps for the service of notice to the unserved respondents, yet he has not done the needful so far.

Viewed in that context, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further future directions.

Await orders and list thereafter.

Civil Appeal No.6536-6537/2010

The office report indicates that Ms.t.Anamika, Ld.advocate has on 8.08.2014 filed an application for impleadment as party respondent in the matter which has been registered as I.A.No.6. The said I.A. is directed to be listed before the Hon'ble Court on 13.10.2014. List accordingly.

Civil Appeal No.1196-1197/2012

Three weeks time as last chance is given to the Ld.counsel for the appellants to comply with the terms of the office report.

List again on 4.12.2014.”

It is submitted that Counsel for the Appellant has on 8th August, 2014 filed an application for dispensed with service of notice on common Respondent Nos. 13 in CA No. 4837 of 2010 and Respondent No. 21 in CA No. 4838 of 2010, Respondent No. 19 in CA No. 4837 of 2010 and Respondent No. 27 in CA No. 4838 of 2010, Respondent No. 20 in CA No. 4837 of 2010 and Respondent No. 28 in CA No. 4838 of 2010, Respondent No. 62 in CA No. 4837 of 2010 and Respondent No. 10 in CA No. 4838 of 2010, Respondent No. 63 in CA No. 4837

of 2010 and Respondent No. 11 in CA No. 4838 of 2010, Respondent No. 68 in CA No. 4837 of 2010 and Respondent No. 61 in CA No. 4838 of 2010 but the said application is barred by time by 72 days and counsel for the Appellant has not filed an application for condonation of delay in filing the said application vide Registrar's Court Order dated 30th April, 2014. The same has been registered as I. A. Nos. 9-10 & placed before the Hon'ble Court's kind perusal.

It is also submitted that counsel for the Appellant has filed an application for dispensed with service of notice on common Respondent No. 36 in CA No. 4837 of 2010 and Respondent No. 44 in CA No. 4838 of 2010. The same has been Registered as I. A. Nos. 7-8 and placed before the Hon'ble Court's kind perusal

As far as, steps taken in respect of common Respondent No. 36 in CA No. 4837 of 2010 and Respondent No. 44 in CA No. 4838 of 2010, Respondent No. 53 in CA No. 4837 of 2010 and Respondent No. 1 in CA 4838 of 2010, Respondent No. 61 in CA No. 4837 of 2010 and Respondent No. 9 in CA No. 4838 of 2010 are concerned, counsel for the appellant has on 1st December, 2014 filed a letter requesting therein for issue of dasti notices for effecting the service to the above said Respondent through their GPA Holder.

Service Status:

It is further submitted that there are 84 respondents in C.A. No. 4837 of 2010 and 105 respondents in C.A. No. 4838 of 2010. Common respondent no.1 in C.A. No.4837 of 2010 and respondent no. 62 in C.A. 4838 of 2010 is represented by Mrs. Rekha Pandey, Advocate. Common respondent Nos. 14 to 17 in C.A. No. 4837 of 2010 and Respondent nos. 22, 23, 24 and 25 in C.A. No. 4838 of 2010 are represented by Mr. A. Venyagam Balan, Advocate. Common respondent nos. 46, 48, 50, 72 and 80 in C.A. No. 4837 of 2010 and respondent nos. 54, 56, 58, 73 and 76 in C.A. No. 4838 of 2010 are represented by Mr. Manoj C Mishra, Advocate. Respondent No. 39 in CA No. 4837 of 2010 and Respondent No. 47 in CA No. 4838 of 2010 is represented by Mr. Mustaq Ahmed, Advocate. Common Respondent No. 28 and Respondent No. 31 in CA No. 4837 of 2010 and Respondent No. 36 and 39 in CA No. 4838 of 2010 are represented by M/s. Lawyer's Knit & Co.,. Advocates.

Respondent No. 2 in CA No. 4837/2010 & 63 in 4838/2010, Respondent No. 3 in CA No. 4837/2010 & 64 in 4838/2010, Respondent No. 5 in CA No. 4837/2010 & 66 in 4738/2010, Respondent No. 6 in CA No. 4837/2010 & 67 in 4838/2010, Respondent No. 7 in CA No. 4837/2010 & 68 in 4838/2010,

Respondent No. 8 in C.A. No. 4837/2010 & 16 in 4838 of 2010, Respondent No. 29 in CA No.4837/2010 & 37 in 4837/2010, Respondent No. 30 in CA No. 4837/2010 & 38 in 4838/2010, Respondent No. 42 in CA No. 4838/2010 & 34 in 4837/2010, Respondent No. 45 in CA No. 4838/2010 & 37 in 4838/2010, Respondent No. 46 in CA No. 4838/2010 & 38 in 4837/2010, Respondent No. 48 in CA No.4838/2010 & 40 in 4837/2010, Respondent No. 49 in CA No. 4838/2010 & 41 in 4837/2010, Respondent No. 50 in CA No. 4838/2010 & 42 in 4837/2010, Respondent No. 51 in C.A. No.4838/2010 and 43 in C.A. No. 4837/2010, Respondent No. 52 in C.A. No.4838/2010 and 44 in C.A. No. 4837 of 2010, Respondent No. 53 in CA No.4838/2010 & 45 in 4837/2010, Respondent no. 3 in C.A. No. 4838/2010 and 55 in C.A. No. 4837/2010, Respondent no. 4 in C.A. No. 4838/2010 and 56 in C.A. No. 4837/2010, Respondent no. 5 in C.A. No. 4838/2010 and 57 in C.A. No 4837/2010 Respondent no. 8 in C.A. No. 4838/2010 and 60 in C.A. No. 4837/2010, Respondent no. 12 in C.A. No. 4838/2010 and 64 in C.A. No. 4837/2010, Respondent no. 13 in C.A. No. 4838/2010 and 65 in C.A. No 4837/2010 Respondent no. 14 in C.A. No. 4838/2010 and 66 in C.A. No. 4837/2010, Respondent no. 15 in C.A. No. 4838/2010 and 67 in C.A. No. 4837/2010, Respondent no. 69 in C.A. No. 4838/2010 and C.A. No 4837/2010, Respondent no. 93 in C.A. No. 4838/2010 and 77 in C.A. No. 4837/2010, Respondent no. 94 in C.A. No. 4838/2010 Respondent No. 78 in CA No. 4837 of 2010, Respondent no. 77 in C.A. No. 4838/2010 and 81 in C.A. No. 4837 of 2010, respondent no. 78 in C.A. 4838/2010 and respondent no. 72 in C.A. No. 4837/2010, Respondent no. 79 in C.A. No. 4838/2010 and respondent no. 83 in C.A. No. 4837/2010, Respondent no. 80 in C.A. No. 4838/2010 and respondent no. 84 in C.A. No. 4837/2010, Respondent no. 81 in C.A. No. 4838/2010 and respondent no. 85 in C.A. No. 4837/2010, Respondent no. 82 and 96 in C.A. No. 4838/2010, Respondent no. 83 and 97 in C.A. No. 4838/2010, Respondent nos. 85 and 99 in C.A. No. 4838/2010, Respondent nos. 86 and 100 in C.A. No. 4838/2010, Respondent nos. 87 and 101 in C.A. No. 4838/2010, Respondent nos. 89 and 103 in C.A. No. 4838/2010, Respondent nos. 90 and 104 in C.A. No. 4838/2010 and Respondent nos. 91 and 105 in C.A. No. 4838/2010 have been served with the notice but they have not entered appearance before this Court so far.

It is lastly submitted that service is complete through paper publication on Respondent No. 9 in CA No.4837/2010 & 17 in 4838/2010, Respondent No. 10 in CA No.4837/2010 & 18 in 4838/2010, Respondent No. 11 in CA No.4837/2010 &

19 in 4838/2010, Respondent No. 12 in CA No. 4837/2010 & 20 in 4838/2010, Respondent No. 18 in CA No.4837/2010 & 26 in 4838/2010, Respondent No. 21 in CA No.4837/2010 & 29 in 4838/2010, Respondent No. 22 in CA No.4837/2010 & 30 in 4838/2010, Respondent No. 23 in CA No.4837/2010 & 31 in 4838/2010, Respondent No. 24 in CA No.4837/2010 & 32 in 4838/2010, Respondent No. 25 in CA No.4837/2010 & 33 in 4838/2010, Respondent No. 26 in CA No.4837/2010 & 34 in 4838/2010, Respondent No. 27 in CA No.4837/2010 & 35 in 4838/2010, Respondent No. 40 in CA No.4838/2010 & 32 in 4837/2010, Respondent No. 41 in CA No.4838/2010 & 33 in 4837/2010, Respondent No. 43 in CA No.4838/2010 & 38 in 4837/2010, Respondent No. 49 in CA No.4838/2010 & 41 in 4837/2010, Respondent No. 55 in CA No.4838/2010 & 47 in 4837/2010, Respondent No. 57 in CA No.4838/2010 & 49 in 4837/2010, Respondent No. 59 in CA No.4838/2010 & 51 in 4837/2010, Respondent No. 60 in CA No.4838/2010 & 52 in 4837/2010, Respondent No. 2 in CA No.4838/2010 & 54 in 4837/2010, Respondent No. 6 in CA No.4838/2010 & 58 in 4837/2010, Respondent No. 7 in CA No.4838/2010 & 59 in 4837/2010, Respondent No. 92 in CA No.4838/2010 & 76 in 4837/2010, Respondent No. 95 in CA No.4838/2010 & 79 in 4837/2010, Respondent No. 84 and 98 in CA No.4838/2010, Respondent No. 88 and 102 in CA No.4838/2010 but no one has entered appearance on their behalf so far.

Service is incomplete on common Respondent No. 36 in CA No. 4837 of 2010 and Respondent No. 44 in CA No. 4838 of 2010, Respondent No. 53 in CA No. 4837 of 2010 and Respondent No. 1 in CA No. 4838 of 2010, Respondent No. 61 in CA No. 4837 of 2010 and Respondent No. 9 in CA No. 4838 of 2010.

CIVIL APPEAL NOS. 6536-6537 of 2010

These are the appeals by Special Leave filed against the Judgment and Order dated 15.04.2010 of the High Court of Judicature, Andhra Pradesh at Hyderabad in SA No. 410 of 2008 and SA No. 411 of 2008.

The I.A. No. 4 & 6 in the matter above-mentioned i.e. application for Recording of Compromise in C.A. No. 6536 of 2010 and application for impleadment were listed before the Court on 13th October, 2014 , when the Hon'ble Court was pleased to pass the following order:

“Parties are directed to settle the matter out of the Court. In view of this, hearing is adjourned.
List the matter in the 2nd week of January, 2015, along with the main matter”

It is submitted to Hon'ble Court that Mr. B. Ramana Murthy, Counsel for the Respondent Nos. 87 to 127, has on 25th July, 2014 filed an affidavit alongwith

original deed of compromise. The same is placed for Hon'ble Court's Kind perusal.

It is further submitted that Ms. T. Anamika, Advocate has on 8th August, 2014 filed an application for impleadment as party Respondent in the matter above-mentioned. The application has been registered as IA No. 6 and is placed below. Service is complete on I.A. No. 4.

It is further submitted that Mr. Seshalapa Sai Bandaru, Advocate has on 9th October, 2014 filed an application for impleadment as party Respondent in both the Civil Appeals. Mr. Ejaz Maqbool, Advocate has filed Vakalatnama/Appearance on behalf of proposed impleaded party after taking No objection from erstwhile Advocate Mr. Seshalapa Sai Bandaru, Advocate. The same has been registered as I.A.No. 7 and is placed before the Hon'ble Court's kind perusal.

It is further submitted that M/s. Lawyer's Knit & Co., Advocates has on 27th January, 2015, filed an application for impleadment as party Respondent. The same has been registered as I. A. Nos. 9-10

It is also submitted that Mr. A. V. Balan, Advocate has on 16th February, 2015 filed application for impleadment as party Respondent but the said application is defective as copy of the same has not been served on the other side hence unregistered application is placed herewith.

It is lastly submitted that Dr. Kailash Chand, Advocate has on 13th April, 2015 filed common application for substitution to bring on record the Lr. Of deceased Respondent Nos. 5 and 7 in CA No. 6536 of 2010 and Respondent nos. 71 and 73 in CA No. 6537 of 2010 alongwith an application for condonation of delay in filing substitution application as there is a delay of 135 days in respect of Respondent no. 5, and 48 days in respect of Respondent no. 7 in CA No. 6536 and 6537 of 2010, respectively. Counsel has also prayed for setting aside the abatement. The above-said application is defective as name of Respondent No. 71 and 73 in CA No. 6537 of 2010 have already been deleted vide Hon'ble Court order dated 10th December, 2010 and death certificate of Respondent no. 7 in CA No. 6536 of 2010 has not been filed, however prayer for exemption from filing death certificate is made in the application. Notice of motion in respect of proposed Lr. also not filed alongwith application. Hence, unregistered applications are placed alongwith paper-books.

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. 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 as she has filed caveat in the main matter, i.e. CA No. 4731-4732 of 2010. 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. Respondent No. 12 in CA No. 6537/2012 has been served with notice in connected CA No. 4277/2011 but no one has entered appearance on his behalf so far, in CA No. 6537 of 2012.

The names 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 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 and in terms of Order XIX Rule 32 (2), if a party does not file statement of case within the time prescribed, it shall be presumed that the party does not desire to file statement of case and so far appellant is concerned, it shall be presumed that the appellant has adopted list of dates/synopsis as statement of case.

Service is complete in both the matters.

Civil Appeal Nos. 1196-1197/2012

These are the appeals by Special Leave filed against the Judgment and Order dated 15.04.2010 of the High Court of Judicature, Andhra Pradesh at Hyderabad in SA No. 410 of 2008 and SA No. 411 of 2008.

The matters above-mentioned were listed before the Hon'bles Court (IN CHAMBERS) on 15th January, 2015, when the Hon'ble Court was pleased to pass the following Order:-

“Learned counsel appearing for the appellants states that she has instructions to file application seeking substituted service on the unserved respondents and also to bring on record the legal representatives of deceased respondent No.55 in C.A. NO. 1196 of 2012, respondent No.2 in C.A. No. 1197 of 2012 and respondent No.72 in both appeals and prays for an adjournment of four weeks.

The matter is adjourned for four weeks to do the needful.”

It is submitted that Mr. Ejaz Maqbool, Advocate for the appellant has not taken steps to bring on record the Lrs. of deceased common Respondent No. 55

in CA No. 1196 of 2010 and Respondent No. 2 in CA No. 1197 of 2010 and Respondent No. 72 in both the appeal so far. Counsel for the appellant has also not taken steps in respect of correct address of unserved Respondent so far.

Service and Status:-

It is further submitted to the Hon'ble Court that there are 86 Respondents in C.A. No. 1196 of 2012 and 106 Respondents in C.A. No. 1197 of 2012 in the matters above-mentioned.

S.No.	Respondent No. in CA No. 1196	Respondent No. in CA No. 1197	Advocate
1	1	63	Rekha Pandey
2	68	15	
3	14	22	A. V. Balan
4	15	23	
5	16	24	
6	17	25	
7	2	64	
8	3	65	Served as per report of HighCourt but no one has entered appearance on their behalf so far.
9	4	66	
10	5	67	
11	6	68	
12	7	69	
13	8	16	
14	24	32	
15	28	36	
16	29	37	
17	30	38	
18	31	39	
19	32	40	
20	33	41	
21	34	42	
22	35	43	
23	36	44	
24	39	47	
25	45	53	
26	46	54	
27	54	1	
28	56	3	
29	57	4	

30	58	5
31	59	6
32	60	7
33	61	8
34	62	9
35	63	10
36	64	11
37	65	12
38	66	13
39	67	14
40	70	70
41	74	74
42	79	95
43	82	78
44	83	79
45	84	80
46	85	81
47	86	82
48		83
49		85
		86
		86
		87
		88
		90
		91
		92

Served as per report of HighCourt but no one has entered appearance on their behalf so far.

High Court vide its letter dated 22nd November, 2012 has reported that notice of Lodgment of Petition of Appeal in respect of the following Respondents have been received back unserved with the remarks made against as under:

C.A. NO. 1196	C.A. NO. 1197	Process Server's Report
9	17	No such person is residing at the given address.
10	18	is not working at the given address.
11	19	No such person is residing at the given address.
12	20	No such person is residing at the given address.
13, 18, 19, 20, 21, 22, 23, 25	21, 26, 27, 28, 29, 30, 31,33	Want of full Address with MCH number.

26	34	Out of India
27	35	Given door number is not available in the locality mentioned in address.
37	45	Vacated the House
38	46	Want of full MCH number and locality name
40	48	Vacated the House
41	49	Want of Door number, locality name
42	50	Not residing at the given address.
43	51	Out of India
44	52	No such person is residing at the given address.
47	55	No such person
48	56	Vacated
49	57	No such person
50	58	Vacated
51	59	Not residing at the given address.
52	60	Not residing
53	61	Not residing at the given address.
55	2	Died
69	62	Not residing
71	71	No such person
72	72	Died
73	73	Want of door
75	75	Want of door
76	76	Not residing
77	93	Vacated
78	94	No such person
80	96	No such person
81	77	Door Locked
	85	Want of full address
	89	No such Name
	93	Vacated house

It is lastly submitted that counsel for the Appellant has not filed statement of case.

Civil Appeal Nos. 7105-7106 of 2012

The matters above-mentioned were listed before the Registrar's Court on 27th November, 2014 , when he was pleased to pass the following order:

“The office report indicates that although by order dated 10.9.2014 of this Court four weeks time, as last chance was given to the learned counsel for the appellants to comply with the terms

of the Office Report, yet he has not done the needful so far.

Viewed in that context, the matter shall be listed before the Hon'ble Judge in Chambers for further future directions. Await orders. List thereafter.”

Subsequently, the office report on default was placed before the Hon'ble Judge-in-chamber on 27th January, 2015, when the Hon'ble Court was pleased to pass the following Order:-

“Learned counsel for the appellants submits that respondent no. 13 in C.A. No. 7105 of 2010 is same as respondent no. 21 in C. A. No. 7106 of 2010, respondent no. 19 in C.A. No. 7105 of 2010 is same as respondent no. 27 in C. A. No. 7106 of 2010 and respondent no. 33 in C. A. No. 7105 of 2010 is same as respondent no. 41 in C. A. No. 7106 of 2010 and they have expired. However, no steps have been taken so far for bringing their legal representatives on record. Learned counsel for the appellants states that the appellants have not been able to get the particulars thereof.

In these circumstances, the appeals qua above mentioned respondents stand abated. ”

It is submitted that counsel for the Appellant has instead of furnishing the correct address of Respondent Nos. 69 in CA No. 7105 of 2010 and Respondent No. 63 in CA No. 7106 of 2010 counsel has filed an application for deletion the name of abovesaid Respondent the said application is defective as copies of its has not been served on other side hence, unregistered application is placed herewith.

It is further submitted that the High Court of Andhra Pradesh vide its letter dated 26th August, 2011 inform this Registry that the Notice of Lodgment of Petition of Appeal in respect of following respondents in the instant matters have been returned unserved with the following endorsement of the process server:

<u>Sl.No.</u>	<u>Respondent No. & Names</u>	<u>Remarks</u>
1	Respondent No. 82 in C.A. No 7105 of 2010 and Respondent No. 78 in C.A. No. 7106 of 2010 - Anees Makandar	Full address particulars required.

Status:-

It is also submitted that there are 96 respondents. Respondent no.1 in C.A. 7105 of 2010 and Respondent No. 63 in C.A. No. 7106 of 2010 are represented by Mrs. Rekha Pandey, Advocate. Respondent No. 38 in CA No. 7105 of 2010 and Respondent No. 46 in CA No. 7106 of 2010, Common Respondent Nos.83 to 96 in C.A. No. 7105 of 2010 and Respondent nos. 79 to 92 in C.A. No. 7106 of 2010 are represented by Dr. Kailash Chand, Advocate. Respondent No. 49 in C.A. No. 7105 of 2010 and Respondent No. 57 in C.A. No. 7106 of 2010 - K.J. Pangagavalli, Respondent No. 51 in C.A. No. 7105 of 2010

and Respondent No. 59 in C.A. No. 7106 of 2010 - Nagururu Vinaya Kumar, Respondent No. 71 in both the appeals - R. Sudha Rani, Respondent No. 72 in both the appeals - P. Pattabhi Ramaiah, Respondent No. 73 in both the appeals - P. Narasimha, Respondent No. 75 in both the appeals, Respondent No. 76 in both the appeals - P. Panduranga Rao, Respondent No. 74 in both the appeals, Respondent No. 81 in CA No. 7105 of 2010 & Respondent No. 77 in 7106 of 2010, Respondent No. 47 in C.A. No. 7105 of 2010 and Respondent No. 55 in C.A. No. 7106 of 2010 Respondent No. 59 (in CA No. 7105/2010 & 6 in CA No. 7106/2010, Respondent No. 77 in CA No. 7105/10 and 93 in CA No. 7106/2010) are represented by Manoj C. Mishra, Advocate.

Respondent No. 2 in CA No. 7105 of 2010 & Respondent No. 64 in 7106 of 2010, Respondent No. 3 in CA No. 7105 of 2010 & Respondent No. 65 in 7106 of 2010, Respondent No. 4 in CA No. 7105 of 2010 & Respondent No. 66 in 7106 of 2010, Respondent No. 5 in CA No. 7105 of 2010 & Respondent No. 67 in 7106 of 2010, Respondent No. 6 in CA No. 7105 of 2010 & Respondent No. 68 in 7106 of 2010, Respondent No. 7 in CA No. 7105 of 2010 & Respondent No. 69 in 7106 of 2010, Respondent No. 8 in CA No. 7105 of 2010 & Respondent No. 16 in 7106 of 2010, Respondent No. 9 in CA No. 7105 of 2010 & Respondent No. 17 in 7106 of 2010, Respondent No. 20 in CA No. 7105 of 2010 & Respondent No. 28 in 7106 of 2010, Respondent No. 24 in CA No. 7105 of 2010 & Respondent No. 32 in 7106 of 2010, Respondent No. 25 in CA No. 7105 of 2010 & Respondent No. 33 in 7106 of 2010, Respondent No. 26 in CA No. 7105 of 2010 & Respondent No. 34 in 7106 of 2010, Respondent No. 27 in CA No. 7105 of 2010 & Respondent No. 35 in 7106 of 2010, Respondent No. 28 in CA No. 7105 of 2010 & Respondent No. 36 in 7106 of 2010, Respondent No. 29 in CA No. 7105 of 2010 & Respondent No. 37 in 7106 of 2010, Respondent No. 30 in CA No. 7105 of 2010 & Respondent No. 38 in 7106 of 2010, Respondent No. 31 in CA No. 7105 of 2010 & Respondent No. 39 in 7106 of 2010, Respondent No. 32 in CA No. 7105 of 2010 & Respondent No. 40 in 7106 of 2010, Respondent No. 35 in CA No. 7105 of 2010 & Respondent No. 43 in 7106 of 2010, Respondent No. 36 in CA No. 7105 of 2010 & Respondent No. 44 in 7106 of 2010, Respondent No. 37 in CA No. 7105 of 2010 & Respondent No. 45 in 7106 of 2010, Respondent No. 41 in CA No. 7105 of 2010 & Respondent No. 49 in 7106 of 2010, Respondent No. 42 in CA No. 7105 of 2010 & Respondent No. 50 in 7106 of 2010, Respondent No. 43 in CA No. 7105 of 2010 & Respondent No. 51 in 7106 of 2010, Respondent No. 44 in CA No. 7105 of 2010 & Respondent No. 52 in

7106 of 2010, Respondent No. 45 in CA No. 7105 of 2010 & Respondent No. 53 in 7106 of 2010, Respondent No. 46 in CA No. 7105 of 2010 & Respondent No. 54 in 7106 of 2010, Respondent No. 55 in CA No. 7105 of 2010 & Respondent No. 2 in 7106 of 2010, Respondent No. 56 in CA No. 7105 of 2010 & Respondent No. 3 in 7106 of 2010, Respondent No. 57 in CA No. 7105 of 2010 & Respondent No. 4 in 7106 of 2010, Respondent No. 58 in CA No. 7105 of 2010 & Respondent No. 5 in 7106 of 2010, Respondent No. 64 in CA No. 7105 of 2010 & Respondent No. 11 in 7106 of 2010, Respondent No. 65 in CA No. 7105 of 2010 & Respondent No. 12 in 7106 of 2010, Respondent No. 66 in CA No. 7105 of 2010 & Respondent No. 13 in 7106 of 2010, Respondent No. 67 in CA No. 7105 of 2010 & Respondent No. 14 in 7106 of 2010, Respondent No. 68 in CA No. 7105 of 2010 & Respondent No. 15 in 7106 of 2010, Respondent No. 70 in both the appeals, Respondent No. 78 in CA No. 7105 of 2010 & Respondent No. 94 in 7106 of 2010, Respondent No. 79 in CA No. 7105 of 2010 & Respondent No. 95 in 7106 of 2010 have been served with the notice but they have not entered appearance before this Court so far.

It is also submitted that service is not complete on Respondent No. 69 in C.A. No. 7105 of 2010 and Respondent No. 62 in C.A. No. 7106 of 2010, Respondent No. 82 in C.A. No 7105 of 2010 and Respondent No. 78 in C.A. No. 7106 of 2010.

Civil Appeal Nos. 4276-4277 of 2011

These are the appeals by Special Leave from the Judgment and order dated 15th April, 2010 of the High Court of Andhra Pradesh at Hyderabad in Second Appeal Nos. 410 and 411 of 2008.

It is submitted that there are 87 respondents in C.A. No. 4276 of 2011 and 98 respondents in C.A. No. 4277 of 2011. Common respondent no. 1 and 69 in C.A. No. 4276 of 2011 and 15 and 64 in C.A. No. 4277 of 2011 are represented by Ms. Rekha Pandey, Advocate, common respondent no. 71 in both the appeals is represented by Mr. B.K. Satija, Advocate and M/s. Lawyer's Knit & Co., Advocates have on 20th March, 2015 filed common Vakatnama/Appearance and counter-affidavit on behalf of Respondent Nos. 28 and 33 in CA No. 4276 of 2011 and Respondent No. 36 & 41 in CA No. 4277 of 2011. Counter-affidavit is placed with appeal paper-books.

It is further submitted that respondent nos. 2 to 9, 27 to 32, 36, 39, 40, 42 to 47, 57 to 59, 62, 66 to 68, 70, 75, 79, 80 and 82 to 87 in C.A. No. 4276 of 2011. Respondent Nos. 3 to 5, 8, 12 to 14, 16, 17, 37 to 40, 44, 46, 47, 48, 50

to 55, 63, 65 to 70, 75, 78 to 85, 87 to 89, 91 to 93, 95, 96 and 98 in C.A. No. 4677 of 2011 have been served with the notice but they have not entered appearance before this Court so far. Common respondent nos. 55 and 56 in C.A. No. 4276 of 2011 and 1 and 2 in C.A. No. 4277 of 2011 have been served through paper publication

It is also submitted that M/s. Lawyer's Knit & Co., Advocate for common Respondent Nos. 28 and 41 in both the Appeals have on 21st March, 2015 filed an application for impleadment to implead the applicants as party Respondents but no Vakalatnama/Appearance has been filed on their behalf alongwith application hence, unregistered application is placed before the Hon'ble Court's kind perusal.

It is also submitted that the following respondents have been deleted from array of parties vide Court's Order dated 15th April, 2014:

1	Common Respondent nos. 10, 11 & 12 in C.A No. 4276 of 2011 and 18, 19, 20 in C.A no. 4277 of 2011
2	Common Respondent nos.13 to18, 20-22 in C.A no. 4276 of 2011 and 21 to 26 and 28 to 30 in CA No. 4277 of 2011
3	Common Respondent no. 23 in CA no. 4276 of 2011 and 31 in CA No. 4277 of 2011
4	Common Respondent Nos. 24 to 27 in C.A no. 4276 of 2011 and 32 of 35 in C.A no. 4277 of 2011
5	Common Respondent No. 34 in C.A No. 4276 of 2011 and 42 in C.A no. 4277 of 2011
6	Common Respondent No. 35 in C.A No. 4276 of 2011 and 43 in C.A no. 4277 of 2011
7	Common Respondent No. 37 in C.A No. 4276 of 2011 and 45 in C.A no. 4277 of 2011
8	Common Respondent No. 41 in C.A No. 4276 of 2011 and 49 in C.A no. 4277 of 2011
9	Common Respondent No. 48 in C.A No. 4276 of 2011 and 56 in C.A no. 4277 of 2011
10	Common Respondent No. 49 in C.A No. 4276 of 2011 and 57 in C.A no. 4277 of 2011
11	Common Respondent No. 50 in C.A No. 4276 of 2011 and 58 in C.A no. 4277 of 2011
12	Common Respondent No. 51 in C.A No. 4276 of 2011 and 59 in C.A no. 4277 of 2011
13	Common Respondent No. 52 in C.A No. 4276 of 2011 and 60 in C.A no. 4277 of 2011
14	Common Respondent No. 53 in C.A No. 4276 of 2011 and 61 in C.A no. 4277 of 2011

15	Common Respondent No. 54 in C.A No. 4276 of 2011 and 62 in C.A no. 4277 of 2011
16	Common Respondent No. 60 and 61 in C.A No. 4276 of 2011 and 6 & 7 in C.A no. 4277 of 2011
17	Common Respondent No. 63, 64 and 65 in C.A No. 4276 of 2011 and 9, 10, 11 in C.A no. 4277 of 2011
18	Common Respondent No. 72 in both the Appeals
19	Common Respondent No. 73 in both the Appeals
20	Common Respondent No. 74 in both the Appeals
21	Common Respondent No. 76 in both the Appeals
22	Common Respondent No. 77 in both the Appeals
23	Common Respondent No. 78 in C.A No. 4276 of 2011 and 94 in C.A no. 4277 of 2011
24	Common Respondent No. 81 in C.A No. 4276 of 2011 and 97 in C.A no. 4277 of 2011
25	Common Respondent No. 90 in C.A No. 4277 of 2011
26	Common Respondent No. 19 in C.A No. 4276 of 2011 and 27 in C.A no. 4277 of 2011
27	Common Respondent No. 38 in C.A No. 4276 of 2011 and 86 in C.A no. 4277 of 2011
28	Common Respondent No. 54 in C.A No. 4277 of 2011

Service is complete.

It is lastly submitted that counsel for the appellant has filed statement of case but Counsel for the appearing respondents have not filed statement of case and in terms of Order XIX Rule 32(2) Supreme Court Rules, 2013, and its proviso, where a party does not file statement of case within the time prescribed, it shall be presumed that the party does not desire to file statement of case and so far as appellant is concerned, it shall be presumed that the appellant has adopted list of dates/synopsis as statement of case.

SLP (C) NOS. 23864-23865 OF 2011

The matters above-mentioned were listed before the Hon'ble Court on 19th November, 2012, when the Hon'ble Court was pleased to pass the following order:

“Issue notice.
Tag with C.A. Nos.4731-4732/2010.”

The matters above-mentioned were listed before the Ld. Registrar Court on 1st March, 2013 & 10th April, 2013, when he was pleased to pass the following orders:

1/3/2013:

“It appears that complete set of paper books as well as deficit

process fee has not been paid by the Id. Counsel for the petitioner. Needful be done within one week and on compliance notice be issued forthwith.

List again on 10.4.2013.”

10/4/2013:

“Despite specific directions neither deficit Court fee of Rs.1960/- has been deposited nor additional sets of spare copies have been filed.

Matter be placed before the Hon'ble Judge in Chambers for necessary orders/directions.”

Subsequently, the matter above-mentioned were listed before the Hon'ble Court (IN CHAMBER) on 27th February, 2015, when the Hon'ble Court was pleased to pass the following Order:

“As a last chance, four weeks' time is granted for taking steps in terms of the office report.”

It is submitted that there are 88 respondents in SLP 23864 and 108 respondents in SLP 23865 of 2011. Counsel for the petitioner has on 10th March, 2015 filed deficit spare copies. Show cause notice to all the Respondents was issued. Signed A. D. Cards have been received from Respondent Nos. 12, 26, 46 to 48, 52 to 55, 58 to 61, 63 to 70, 72, 80, 85, 88 in SLP (C) No. 23864 of 2011 and Respondent Nos. 85, 89, 90 in SLP (C) No. 23865 of 2011 but no one has entered appearance on their behalf so far.

Service is not complete on remaining Respondents.

The matters above-mentioned are listed before the Hon'ble Court with this Office Report.

Dated this, the 1st day of August, 2015.

ASSISTANT REGISTRAR

Copy to:

1. M/s. Lawyer's Knit & Co., Advocates, 20, Lawyers Chambers.
2. Mr. Abhijit Sengupta, Advocate, 407, Lawyer's Chamber,
3. Ms. Rekha Pandey, Advocate, 113, New Lawyer's Chambers.
4. Mr. A. Venyagam Balan, Advocate, Library, Tel. No.: 9873874363
5. Mr. B.K. Satija, Advocate, 88, Lawyer's chambers
6. Mrs. Anjani Aiyagari, Advocate, 42, Lawyer's Chambers,
7. Ms. Uttara Babbar, Advocate, 112, New Lawyer's Chambers,
8. Mr. Kailash Chand, Advocate, 9873299512
9. Mr. T. V. Ratnam, Advocate,
10. Ms. T. Anamika, Advocate,
11. Mr. Mustaq Ahmed, Advocate
12. Mr. Ejaz Maqbool, Advocate.Ch. No. 319,
13. Mr. Vipin Kumar Jai, Advocate
14. Mr. Ravinder Kumar, Advocate

ASSISTANT REGISTRAR