

LISTED ON : 13.10.2014
COURT NO.: 03
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)

AND

INTERLOCUTORY APPLICATION NO. 6

(Application for Impleadment filed by Ms. T. Anamika, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 7-8

(Application for Impleadment filed by Mr. Ejaz Maqbool, Advocate)

IN

CIVIL APPEAL NOS.6536-6537 OF 2010

WITH

INTERLOCUTORY APPLICATION No.

(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

REVISED 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, 17th April, 2014, 4th July, 2014, 4th August, 2014 and 8th September, 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.”

04/07/2014:

“List on 04.08.2014 so as to enable the learned counsel appearing for the parties to place on record the relevant documents.”

04/08/2014:

“It has been submitted by the learned counsel for the parties that the matter could not be compromised completely, but there is some compromise and the deed of partial compromise has already been kept on record.

List on 08.09.2014 so as to enable the parties to find out whether it is possible to have complete compromise and if not, the matter shall be heard on merits on that date.”

08/09/2014:

“List on 13th October, 2014.”

It is submitted to the Hon'ble Court 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 for the Hon'ble Court's kind perusal.

It is further 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 Dr. Kailesh Chand, Advocate has on 9th October, 2014, filed reply affidavit to the application for impleadment. The same is being circulated herewith.

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 to delete parties at Sl. Nos. 8 to 10 in the deed of compromise

dated 16th May, 2010 and to add the name of Mrs. Kanatireddy Sabitha in the said deed.

It is also submitted that name of Kanatireddy Samitha is shown 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 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 yet to be placed before the Hon'ble Judge-in-Chamber.

It is also submitted that Counsel for the Appellant had 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 and counsel for the appellant has on 19th August, 2014 filed the said affidavit of service.

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.

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

Dated this, the 10th day of October, 2014.

ASSISTANT REGISTRAR

Copy to:-

1. Dr. Kailash Chand, Advocate
2. Mr. Uttara Babbar, Advocate.
3. Mr. B. Ramanna Murthy, Advocate.
4. Ms. T. Anamika, Advocate
5. Ms. Rekha Pandey, Advocate
6. Mr. Ejaz Maqbool, Advocate

ASSISTANT REGISTRAR