

LISTED ON : 11.01.2017  
COURT NO.: 10  
ITEM NO. : 105

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

**CIVIL APPEAL NOS. 4731-4732, 4733, 4734-4735, 4736, 4837-4838, 6536-6537 OF 2010, 4276-4277 OF 2011, 1196-1197 OF 2012 AND 7105-7106 OF 2010 AND SLP (C) NO. 23864-23865 OF 2011**

**WITH**

**I.A.NOS. 39-40, 41-42, 43-44 AND 45-46 IN 4731-4732 OF 2010**

(Applications for Impleadment, Permission to file Additional Documents, Exemption from filing O.T. and Deletion of Respondents)

**AND**

**I.A. NO. 10 IN 4733 OF 2010**

(Application for early hearing)

**AND**

**I.A. NOS. 17-18, 19-20, 23-24, 27-28, 29-30, 31-32, 33-34 AND 35-36 IN 4734-4735 OF 2010**

(Applications for substitution of deceased respondent, c/delay in filing substitution appln., substitution of deceased respondent, impleadment as party respondent, early hearing, Permission to file Additional Documents, Exemption from filing O.T. and Deletion of Respondents)

**AND**

**I.A. NOS. 8,9,10 AND 13 IN 4736 OF 2010**

(Application for substitution of deceased respondent, c/delay in filing substitution appln., exemption from filing death certificate and Early Hearing)

**AND**

**I.A. NOS.11-12 IN 4837-4838 OF 2010**

(Application for Impleadment)

**AND**

**I.A. NOS.5-6 IN 1196-1197 OF 2012**

(Application for Impleadment)

**AND**

**I.A. NOS.15-16 IN 4276-4277 OF 2011**

(Application for Impleadment)

T. RAVI & ANR. ETC.

...APPELLANTS

-VERSUS -

B. CHINNA NARASIMHA & ORS. ETC.

...RESPONDENTS

**OFFICE REPORT**

It is submitted that Application for Early Hearing in Civil Appeal Nos. 4731-4732, 4733,

4734-4735 of 2010 were listed before the Hon'ble Court on 28<sup>th</sup> October, 2016, when the Hon'ble Court was pleased to pass the following order:

"I.A.Nos.37 & 38 of 2016, for early hearing, are disposed of as allowed.

Main matters to be notified for final disposal in the second week of January, 2017.

Registry shall see that in the meantime, all the respondents are served."

It is submitted that service of Show Cause Notice is complete in all the matters except in C.A. Nos. 7105-7106 of 2010 and SLP(C) No. 23864-23865 of 2011.

**Civil Appeal Nos. 7105-7106 of 2010**

Service of Show Cause Notice is incomplete Respondent Nos. 15, 63, 82 in CA No. 7105 of 2010 and Respondent Nos. 23, 10 & 78 in CA No. 7106 of 2010 and Counsel for the Petitioner has not filed copies of petition of appeal for issuance of notice, despite request.

It is submitted that Counsel for the Parties have not filed Statement of Case so far.

**SLP (C) NOS. 23864-23865 of 2016**

It is submitted that the matter above-mentioned was listed before the Hon'ble Court on 19<sup>th</sup> December, 2012, when the Hon'ble Court was pleased to pass the following order:

"Issue notice.

Tag with CA Nos. 4731-4732 of 2010."

Subsequently, the matter above-mentioned was listed before the Hon'ble Court (IN CHAMBERS) on 25<sup>th</sup> November, 2016, when the following order was passed:-

"Issue fresh notice to the unserved respondents."

It is submitted to the Hon'ble Court that Counsel for the Petitioner has not filed fresh spare copies to issue Show Cause Notice. Thus, fresh Show Cause Notice could not be issued to unserved Respondent Nos. 2 to 11, 13 to 25, 27 to 45, 50, 51, 56, 57, 62, 71, 73 to 79, 81 to 84, 86, 87 in SLP (C) No. 23864 of 2011 and Respondent Nos. 7, 16 to 19, 21 to 33, 35 to 53, 57 to 59, 64 to 71, 73 to 80, 82 to 84, 86 to 88, 91 to 95, 97 to 103, 105 to 108 in SLP (C) No. 23865 of 2011.

Service is incomplete on above-mentioned unserved Respondents.

**C.A. NO. 4276-4277 OF 2011**

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 20<sup>th</sup> 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 21<sup>st</sup> March, 2015 filed an application for impleadment to implead the applicants as party Respondents. The said application (I.A. Nos. 15-16) were listed before the Hon'ble Court (IN CHAMBERS) on 22<sup>nd</sup> April, 2016, when His Lordship was pleased to pass the following order:

**“Issue notice on the applications for impleadment.”**

Accordingly, Show Cause Notice was issued to both the proposed parties to be impleaded on 7<sup>th</sup> May, 2016 by Registered AD post.

It is submitted that M/s. Lawyer's Knit & Co., Advocates has on 2<sup>nd</sup> December, 2016 filed Affidavit of service with proof of dasti service on behalf of both Respondents. Mr. Abhijit Sengupta, Advocate has on 4<sup>th</sup> January, 2017 filed Vakalatnama/ Appearance on behalf of Respondent No. 1 but no one has entered appearance in respect of Respondent No. 2.

It is also submitted that the following respondents have been deleted from array of parties vide Court's Order dated 15<sup>th</sup> 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 in C.A. Nos. 6536-6537 of 2010 and 4276-4277 of 2011 but Counsel for the appellants in remaining matters and appearing respondents in all the above matters have not filed statement of case and in terms of Order XIX Rule 32(1) & (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.

### **Service position of the complete matters are as under:**

#### **There are total 98 Respondents in CA Nos. 4731-4732 of 2010**

Respondent Number in CA No. 4731/10	Service Position	Respondent Number in CA No. 4732/10	Service Position
1	Mr. Uttara Babbar, Adv.	65	Mr. Uttara Babbar, Adv.
2 to 4, 6 & 70	Mrs. Rekha Pandey, Adv	66 to 68 & 70, 15	Mrs. Rekha Pandey, Adv
8, 36 to 38	Mrs. Anjani Aiyagari, Adv	16, 44 to 46	Mrs. Anjani Aiyagari, Adv
72	Mr. B.K. Satija, Adv	72	Mr. B.K. Satija, Adv
14 to 17	Mr. A. V. Bala, Adv	22 to 25	Mr. A. V. Bala, Adv
28 to 30	Mr. Abhijit Sengupta, Adv	36 to 38	Mr. Abhijit Sengupta, Adv
9, 24, 31, 32, 40, 41, 43, 44, 45, 46, 47, 48, 58, 59, 60, 63, 67, 68, 69, 76, 80, 81, 83, 84, 85, 86, 87, 88,	Served with notice but no one has entered appearance.	17, 32, 39, 40, 48, 49, 51, 52, 53, 54, 55, 56, 3, 4, 5, 8, 12, 13, 14, 76, 79, 96, 97, 80, 81 to 86, 88 to 90, 92, 93, 94	Served with notice but no one has entered appearance.

89, 90, 92, 93, 94, 96, 97, 98			
12, 13, 18, 20 to 22, 25, 27, 35, 42, 49 to 52, 54, 57, 61 to 62, 64 to 66, 71, 73, 75, 77 to 79, 82, 91 & 95	Served by Paper Publication with proof but no one has entered appearance	2, 6, 7, 9 to 11, 20-21, 26, 28 to 30, 33, 35, 43, 50, 57 to 60, 62, 64 & 73, 75, 77, 78, 87, 91, 95 & 98	Served by Paper Publication with proof but no one has entered appearance
10, 11, 19, 23, 33, 34, 39, 53, 55 & 56	Deleted from array of parties vide Court's Order dated 24.02.2011	18, 19, 27, 31, 41, 42, 47, 61, 63 & 1	Deleted from array of parties vide Court's Order dated 24.02.2011
74	Deleted from array of parties vide Court's Order dated 21.07.2014	74	Deleted from array of parties vide Court's Order dated 21.07.2014
Lrs. of deceased Respondent Nos. 5, 7 & 26	Served by Dasti but no one has entered appearance	Lrs. of deceased Respondent Nos. 34, 69 & 71	Served by Dasti but no one has entered appearance.

**There are total 113 Respondents in CA No. 4733 of 2010**

Respondent Number in CA No. 4733/10	Service Position
2, 3, 7, 8, 11 to 13, 52 to 53, 73 to 75, 78, 87, 109 & 112	Served through Dasti but no one has entered appearance so far.
32 to 35	Represented by Mr. A. V. Balan, Adv.
79	Represented by Ms. Rekha Pandey, Adv.
49 & 56	Represented by M/s. Lawyers Knit & Company, Adv.
4 to 6, 10, 14 to 17, 110 & 111	Served with Notice but no one has entered appearance
48, 50, 54 & 55	Represented by Ms. T. Anamika, Adv. Now designated as ADJ. Service of alternate arrangement notice is complete but no one has entered appearance on their behalf.
1, 9, 19 to 29, 41, 44, 45, 47 & 113	Deleted from array of parties vide Court's Order dated 18.02.2011 & 08.08.2014
18, 30 to 40, 42, 43, 46, 51, 57 to 61, 63 to 72,	Service is dispensed with.

76, 77, 80 to 82, 84, 86, 88 to 108.	
62	Deleted from array of parties vide Court's Order dated 16.09.2016
Lrs. of deceased Respondent Nos. 83 & 85	Common parties as in main matter i.e C.A. No. 4731-4732 of 2010 and have been served by way dasti in the main matter.

**There are total 99 Respondents in CA Nos. 4734-4735 of 2010 in each matters**

Respondent Number in CA No. 4734/10	Service Position	Respondent Number in CA No. 4735/10	Service Position
1, 72	Represented by Mrs. Rekha Pandey, Adv.	15 & 67	Represented by Mrs. Rekha Pandey, Adv.
14 to 17	Represented by Mr. A. V. Balan, Adv.	22 to 25	Represented by Mr. A. V. Balan, Adv.
26A to 26F	Represented by Mr. T. V. Ratnam, Adv.	34A to 34F	Represented by Mr. T. V. Ratnam, Adv.
2, 3, 4, 6, 32, 33, 60, 61, 62, 65, 69, 70, 71, 78, 82, 83 & 85	Served with Notice but no one has entered appearance	68, 69, 70, 72, 40, 41, 3, 4, 5, 8, 12, 13, 14, 78, 81	Served with Notice but no one has entered appearance
8 to 13, 18 to 25, 27 to 31, 34 to 52, 56, 57, 73, 74, 76 & 86 to 99	Deleted from array of parties vide Court's Order dated 18.02.2011 & 11.07.2014	16 to 21, 26 to 33, 35 to 39, 42 to 60, 64 to 66, 74, 76, & 82 to 99	Deleted from array of parties vide Court's Order dated 18.02.2011 & 11.07.2014
53, 54, 55, 58, 59, 63, 64, 66, 67, 68, 75, 77, 79, 80, 81 & 84	Served by Paper Publication with proof but no one has entered appearance.	61, 62, 63, 1, 2, 6, 7, 9, 10, 11, 75, 77, 79, 80	Served by Paper Publication with proof but no one has entered appearance
Lrs. of deceased Respondent Nos. 5 & 7	Common parties as in main matter i.e C.A. No. 4731-4732 of 2010 and have been served by way dasti in the main matter.	Lrs. of deceased Respondent Nos. 71 & 73	Common parties as in main matter i.e C.A. No. 4731-4732 of 2010 and have been served by way dasti in the main matter.

**There are total 85 Respondents in CA No. 4837 of 2010 AND 105 Respondents in CA No. 4838 of 2010**

Respondent Number in CA No. 4837/10	Service Position	Respondent Number in CA No. 4838/10	Service Position
1	Represented by Ms. Rekha Pandey, Adv.	62	Represented by Ms. Rekha Pandey, Adv.
14 to 17	Represented by Mr. A. V. Balan, Adv.	22 to 25	Represented by Mr. A. V. Balan, Adv.
46, 48, 50, 73 & 80, 70, 71, 72, 74, 75	Represented by Mr. Manoj C. Mishra, Adv.	54, 56, 58, 73 & 76, 70, 71, 72, 74, 75	Represented by Mr. Manoj C. Mishra, Adv.
39	Represented by Mr. Mustaq Ahmad, Adv.	47	Represented by Mr. Mustaq Ahmad, Adv.
28 & 31	Represented by M/s. Lawyers Knit & Company, Adv.	36 & 39	Represented by M/s. Lawyers Knit & Company, Adv.
2, 3, 4, 5, 6, 7, 8, 29, 37, 30, 34, 38, 40, 42, 43, 44, 45, 55, 56, 57, 60, 64, 65, 66, 67, 69, 77, 78, 81, 82, 83, 84, 85	Served with Notice but no one has entered appearance	63, 64, 66, 67, 68, 16, 38, 42, 45, 37, 46, 48, 50, 51, 52, 53, 65, 3, 4, 5, 8, 12, 13, 14, 15, 69, 93, 94, 77, 78, 79, 80, 81, 82, 96, 83, 97, 85, 99, 86, 100, 101, 87, 89, 103, 90, 104, 91 & 105	Served with Notice but no one has entered appearance
9, 10, 11, 12, 18, 21 to 27, 32, 33, 35, 39, 41, 47, 49, 51, 52,	Served by Paper Publication with proof but no one has entered appearance	17, 18, 19, 20, 26, 29, 30, 31, 32, 33, 34, 35, 40, 41, 43, 49, 55, 57, 59, 60,	Served by Paper Publication with proof but no one has entered appearance

54, 58, 59, 76, 79		2, 6, 7, 92, 95, 84, 98, 88 & 102, 47	
13, 19, 20, 62, 63, 68, 36	Service is dispensed with.	21, 27, 28, 10, 11, 61, 44	Service is dispensed with.
53, 61	Affidavit of service filed	1, 9	Affidavit of servie filed

**There are total 131 Respondents in CA No. 6536 of 2010 AND 90 Respondents in CA No. 6537 of 2010**

Respondent Number in CA No. 6536/10	Service Position	Respondent Number in CA No. 6537/10	Service Position
1	Represented by Ms. Uttara Babbar, Adv.	15	Represented by Ms. Rekha Pandey, Adv.
2 to 4 & 6	Served with Notice but no one has entered appearance	3 to 5, 13 & 14	Served with Notice but no one has entered appearance
8 to 86	Deleted from array of parties vide Court's Order dated 15.12.2010	16 to 70, 72, 74 to 86	Deleted from array of parties vide Court's Order dated 15.12.2010
87 to 127	Represented by Mr. B. Ramana Murthy, Adv.	71 & 73	Appeal abated vide Court's order dated 03.10.2016
Lrs. of deceased Respondent Nos. 5 & 7	Served by Paper Publication with proof but no one has entered appearance	1, 2, 6 to 11	Served by Paper Publication with proof but no one has entered appearance
		12	Served in connected matter with CA No. 4277 of 2011
128	Represented by Mr. Ejaz Maqbool, Adv.	87	Represented by Mr. Ejaz Maqbool, Adv.
129, 130, 131	Represented by M/s. . Lawyer's Knit & Co., Advocates	88, 89, 90	Represented by M/s. . Lawyer's Knit & Co., Advocates

**There are total 86 Respondents in CA No. 1196 of 2012 AND 96 Respondents in CA No. 1197 of 2012**

Respondent Number in CA No. 1196/12	Service Position	Respondent Number in CA No. 1197/12	Service Position
1, 68	Represented by Ms. Rekha Pandey, Adv.	63, 15	Represented by Ms. Rekha Pandey, Adv.

14 to 17	Represented by Mr. A.V. Balan, Adv.	22 to 25	Represented by Mr A.V. Balan, Adv.
2 to 8, 24, 28, 29 to 36, 39, 45, 46, 54, 56 to 67, 70, 74, 79, 82 to 86	Served with Notice but no one has entered appearance	64 to 69, 16, 32, 36 to 44, 47, 53, 54, 1, 3 to 14, 70, 74, 95, 78 to 84, 86 to 88, 90 to 92	Served with Notice but no one has entered appearance
9, 10, 11, 12, 13, 18 to 23, 25 to 27, 37, 38, 40 to 44, 47 to 53, 55, 69, 71 to 73, 75 to 78, 80, 81	Deleted from array of parties	2, 17, 18, 19, 20, 21, 26 to 31, 33 to 35, 45, 46, 48 to 52, 55 to 61 to 62, 71 to 73, 75, 76, 93, 94, 96, 77, 85 & 89	Deleted from array of parties

**There are total 96 common Respondents in CA Nos. 7105-7106 of 2010**

Respondent Number in CA No. 7105/10	Service Position	Respondent Number in CA No. 7106/10	Service Position
1	Represented by Ms. Rekha Pandey, Adv.	63	Represented by Ms. Rekha Pandey, Adv.
2 to 9, 20, 24 to 32, 35 to 37, 41 to 46, 55 to 58, 64 to 68, 70, 78 & 79	Served with Notice but no one has entered appearance	64 to 69, 16, 17, 28, 32 to 40, 43 to 45, 49 to 54, 2 to 5, 11 to 15, 70, 94, 95	Served with Notice but no one has entered appearance
10 to 12, 14, 16 to 18, 21 to 23, 34, 39 to 40, 48, 50, 52 to 54, 60 to 62, 80	Served by Paper Publication with proof but no one has entered appearance	18 to 20, 22, 24 to 26, 29 to 31, 42 to 45, 47, 48, 56, 58, 60, 61, 1, 7 to 9, 96	Served by Paper Publication with proof but no one has entered appearance
13, 19, 33	Appeal abated vide Court's order dated 27.01.2015	21, 27, 41	Appeal abated vide Court's order dated 27.01.2015
38	Represented by Mrs. Prabha Swami, Adv.	46	Represented by Mrs. Prabha Swami, Adv.
83 to 96	Represented by Dr.	79 to 92	Represented by Dr.

	Kailash Chand, Adv.		Kailash Chand, Adv.
47, 59, 74, 77, 81, 73, 75, 76, 72, 71, 49, 51	Represented by Mr. Manoj C. Mishra, Adv.	55, 6, 74, 93, 77, 73, 75, 76, 72, 71, 57, 59	Represented by Mr. Manoj C. Mishra, Adv.
69	Deleted from array of parties vide Court's Order dated 18.04.2016	62	Deleted from array of parties vide Court's Order dated 18.04.2016
15, 63, 82	<b>Service is Incomplete</b>	23, 10 & 78	<b>Service is Incomplete</b>

The matters above-mentioned are listed before the Ld. Registrar's Court with this Office Report.

Dated this, the 10<sup>th</sup> day of January, 2017.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Abhijit Sengupta, Advocate, 407, Lawyer's Chamber,
2. Ms. Rekha Pandey, Advocate, 113, New Lawyer's Chambers.
3. Mr. B.K. Satija, Advocate, 88, Lawyer's chambers
4. Mrs. Anjani Aiyagari, Advocate, 42, Lawyer's Chambers,
5. Ms. Uttara Babbar, Advocate, 112, New Lawyer's Chambers,
6. Mr. A. Venyagam Balan, Advocate, Library, Tel. No.: 9873874363
7. Mr. R. Chandrachud, Advocate
8. M/s Lawyer's Knit & Co., Advocates

ASSISTANT REGISTRAR