

REGISTRAR COURT NO. 2

LISTED ON : 06.01.2017
ITEM NO. : 78

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

CIVIL APPEAL NOS. 4733, 4736, 7105-7106 OF 2010 AND SLP (C) NOS. 23864-23865 of 2011

SHARIFUNNISA BEGUM ETC.

...APPELLANTS

-VERSUS -

V. VENKATESWARA RAO & ORS.

...RESPONDENTS

OFFICE REPORT

It is submitted that CA No. 4733 of 2010 and CA No. 4736 of 2010 alongwith applications were listed before the Hon'ble Court (IN CHAMBERS) on 18th March, 2016, when the following order was passed:-

“Issue notice on the proposed LRs. of the deceased Respondent Nos. 5 & 7 in the substitution application as well as in the application for condonation of delay in both the appeals.”

Accordingly, common show cause notice show in CA No. 4733 of 2010 and CA No. 4736 of 2010 was issued to the common Lrs. of deceased Respondent Nos. 5 & 7 in CA No. 4736 of 2010 and Respondent Nos. 83 & 85 in CA No. 4733 of 2010 on 10th December, 2016 by Registered AD post.

It is further submitted that as per the Tracking Report notice has not been served on any of the Lrs. As per the tracking report, Lrs. Nos. 1, 2, 3, 4, 6, 7, 10, 11 & 12 has refused to accept the notice and Lr. No. 8 is reported to be deceased and Lr. No. 9 has left India.

Service on all the Lrs. is awaited.

Subsequently, the matter above-mentioned alongwith other connected matters was listed before the Ld. Registrar's Court on 16th December, 2016, when inter-alia the following order was passed:-

“SLP(C) No. 23864-23865/2011

Ld. Counsel for the petitioner has failed to file the spare copies in compliance to order dated 25.11.2016 of the Hon'ble Judge in Chamber. Hence, notice could not be issued to the unserved respondents. Registry shall take appropriate steps, as per rules.

C.A. No. 4733/2010

Await the return of the service of notice already issued to the Lrs of deceased respondent Nos. 83 and 85.

C.A. No. 4736/2010

Await the return of the service of notice already issued to the Lrs of deceased respondent Nos.5 and 7.

C.A. No. 7105-7106/2010

Ld. Counsel for the appellants shall take appropriate steps to serve the Respondent Nos. 15,63 and 82 in C.A. No. 7105/2010 and respondent Nos. 23,10 and 78 in C.A. No. 7106/2010.

List again on 6.1.2017.

Civil Appeal No. 4733 of 2010

Pursuant to above referred order of Court of Registrar, fresh notice to Lrs. of deceased Respondent Nos. 83 & 85 and notice for alternative arrangement in respect of Respondent Nos. 48, 50, 54 and 55 was issued through Registered Post AD on 10th December, 2016 and Dasti was handed over to the Counsel for the Petitioner.

It is further submitted that as per the Tracking Report notice has not been served on any of the Lrs. As per the tracking report, Lrs. Nos. 1, 2, 3, 4, 6, 7, 10, 11 & 12 has refused to accept the notice and Lr. No. 8 is reported to be deceased and Lr. No. 9 has left India. Counsel for the petitioner has filed affidavit of Dasti stating that the Lrs. of deceased Respondents have refused to accept the notice and the party has affixed the notices on the door of the Lrs. of the deceased Respondents.

It is further that Counsel for the Petitioner has filed affidavit after serving the notice to the Respondent Nos. 48, 50, 54 and 55 but no one has entered appearance on their behalf so far.

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

Service of show cause notice is incomplete on Lrs. of deceased Respondent Nos. 83 & 85.

It is also submitted that Counsel for the Appellant has on 4th January, 2017 filed a letter dated 04.01.2017 stating therein that the said unserved Respondents are common in main matter i.e. CA No. 4731-4732 of 2010. The service in the main matter is complete by way of dasti and Counsel has requested to treat service in the instant matter as deemed complete in view of the facts mentioned in the letter. (Copy of the letter is enclosed herewith).

Civil Appeal No. 4736 of 2010

Pursuant to above referred order of Court of Registrar, fresh notice to proposed Lrs. of deceased Respondent Nos. 5 & 7 and notice for alternative arrangement in respect of Respondent Nos. 38 & 40 was issued through Registered Post AD on 10th December, 2016 and Dasti was handed over to the Counsel for the Petitioner.

It is further submitted that as per the Tracking Report notice has not been served on any of the Lrs. As per the tracking report, Lrs. Nos. 1, 2, 3, 4, 6, 7, 10, 11 & 12 has refused to accept the notice and Lr. No. 8 is reported to be deceased and Lr. No. 9 has left India. Counsel for the petitioner has filed affidavit of Dasti stating that the Lrs. of deceased Respondents have refused to accept the notice and the party has affixed the notices on the door of the Lrs. of the deceased Respondents.

It is further that Counsel for the Petitioner has filed affidavit after serving the notice to the Respondent Nos. 38 & 40 but no one has entered appearance on their behalf so far.

Service of Show Cause Notice is incomplete on proposed Lrs. of deceased Respondent Nos. 5 & 7.

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

It is also submitted that Counsel for the Appellant has on 4th January, 2017 filed a letter dated 04.01.2017 stating therein that the said unserved Respondents are common in main matter i.e. CA No. 4731-4732 of 2010. The service in the main matter is complete by way of dasti and Counsel has requested to treat service in the instant matter as deemed complete in view of the facts mentioned in the letter. (Copy of the letter is enclosed herewith).

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 19th 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 25th November, 2016, when the 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 and the matter is being processed for listing before the Hon'ble Judge-in-chamber for reporting the default

Service position of each matter is as under:

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, Advs.
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

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, 76, 77, 80 to 82, 84, 86, 88 to 108.	Service is dispensed with.
62	Deleted from array of parties vide Court's Order dated 16.09.2016
Lrs. of deceased Respondent Nos. 83 & 85	Service is Incomplete

There are total 113 Respondents in CA No. 4736 of 2010

Respondent Number in CA No. 4736/10	Service Position
1 & 85	Represented by Ms. Rekha Pandey, Adv.
22 to 25	Represented by Mr. A. V. Balan, Adv.
61, 63, 65, 88, 90 to 93, 98	Represented by Mr. Manoj C. Mishra, Adv.
38 & 40	Represented by Ms. T. Anamika, Adv. Now designated as ADJ
39 & 46	Represented by M/s. Lawyers Knit & Company, Advs.
21 & 68	Deleted from array of parties vide Court's Order dated 27.01.2015
52	Deleted from array of parties vide Court's Order dated 29.08.2016
53	Represented by Ms. Prabha Swamy, Adv.
2 to 4, 6, 20, 42, 43, 33, 36, 64, 99, 100 to 105, 108 & 109	Served with Notice but no one has entered appearance
9 to 19, 31, 32, 34, 35, 37, 69 & 77	Deleted from array of parties vide Court's Order dated 18.02.2011
8, 26 to 30, 41, 44, 45, 47 to 51, 54 to 60, 62, 66, 67, 70 to 76, 78 to 84, 86 to 87, 94 to 97, 106 to 107 and 110 to 113	Service is dispensed with.
89	Abated vide Court's Order dated 27.01.2015
Lrs. of deceased Respondent Nos. 5 & 7	Service is Incomplete

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. Kailash Chand, Adv.	79 to 92	Represented by Dr. 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	Service is Incomplete	23, 10 & 78	Service is Incomplete

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

Dated this, the 5th 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