

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

**INTERLOCUTORY APPLICATION NO. 11 of 2016**

(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)

WITH

**INTERLOCUTORY APPLICATION NO. 12 of 2016**

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

IN

**CIVIL APPEAL NOS. 6536-6537 of 2010**

DAP CONTAINERS PVT. LTD. AND ORS.

APPELLANTS

VERSUS

B. CHINNA NARASIMHA AND ORS.

RESPONDENTS

**OFFICE REPORT**

It is submitted to the Hon'ble Court that Office Report on Default dated 20<sup>th</sup> May, 2015 was listed before the Hon'ble Court (IN CHAMBER) on 29<sup>th</sup> July, 2016, when the Hon'ble Court was pleased to inter-alia pass the following order:-

“Two weeks' time is granted to the learned counsel for the appellants for taking necessary steps in terms of the Office Report dated 20th May, 2016.”

It is further submitted that Dr. Kailash Chand, Advocate for the Appellants has on 13<sup>th</sup> April, 2015 filed common application for substitution to bring on record the Lr. of common 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 delay in respect of Respondent no. 7. Counsel has also prayed for setting aside the abatement. Counsel has prayed for exemption from filing death certificate in respect of Respondent No. 7 in CA No. 6536 of 2010.

It is further submitted that counsel for the Appellants has on 9<sup>th</sup> August, 2016 filed an affidavit stating therein that application for substitution may be confined to only bringing on record the Lrs. of deceased

Respondent Nos. 5 & 7 in CA No. 6536 of 2010 and prayer in respect of Respondent Nos. 71 and 73 in CA No. 6537 of 2010 may be deemed to have been given up. The said affidavit has been included in the paper-books of I.A. No. 11 of 2016. Applications have been registered as I.A. Nos. 11 & 12 of 2016 and are placed before the Hon'ble Court for its kind perusal.

**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.

It is also submitted that counsel for the appellant has filed an affidavit of service with proof of publication in respect of Respondent Nos. 1, 2 & 6 to 11 in CA No. 6537 of 2010 but no one has entered appearance on their behalf so far.

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.

Service is incomplete on proposed Lrs. of deceased Respondent Nos. 5 & 7 in CA No. 6536 of 2010.

The aforesaid application in the matters is listed before the Hon'ble Court (IN CHAMBERS) with this office report.

Dated this, the 22<sup>nd</sup> day of August, 2016.

ASSISTANT REGISTRAR

Copy to

1. Dr. Kailash Chand, Advocate  
Library- II, SCI
2. Mrs. Rekha Pandey, Advocate  
113, New Lawyer's Chambers, M.C. Setalvad Block, SCI
3. Mr. B. Ramana Murthy, Advocate
4. Ms. Ultra Babbar, Advocate
5. Ms. T. Anamika, Advocate  
Chamber No. 63, SCI
6. Mr. Ejaz Maqbool, Advocate
7. M/s Lawyer's Knit & Co., Advocates  
25, Bazar Lane, Bengali Market, Delhi- 01
8. Mr. A. Venay Agam Balan, Advocate  
A-7-S, Delhi Police Apartment, Mayur Vihar  
Phase- I, Delhi- 110091

ASSISTANT REGISTRAR