

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

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 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)

IN

CIVIL APPEAL NOS. 4837-4838 OF 2010

V. MADAN MOHAN RAO & ORS.

..PETITIONERS

-VERSUS-

B. CHINNA NARASIMHA & ORS ETC.

..RESPONDENTS

OFFICE REPORT

It is submitted that Civil Appeal above-mentioned were listed before the Registrar Court on 17th September, 2014, when he was pleased to pass the following order:

“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 appellant to comply with the terms of the office report.

List again on 4.12.2014.”

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

It is further submitted that Counsel for the Appellant has on 8th August, 2014 filed an application for dispensing with serving 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 and placed before the Hon'ble Court for 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 affecting 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.

The application above-mentioned of the appellant are listed before the Hon'ble Chamber Judge with this Office Report for Orders.

Dated this, the 19th day of May, 2016.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Abhijit Sengupta, Advocate, 407, Lawyer's Chamber, (M.C, Setalvad Block) Supreme Court.
2. Ms. Rekha Pandey, Advocate, 113, New Lawyer's Chambers, M.C. Setalvad Block
3. Mr. A. Venyagam Balan, Advocate, Library, Tel. No.: 9873874363
4. Mr. Manoj C. Mishra, Advocate,

ASSISTANT REGISTRAR