

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

CIVIL APPEAL NOS. 6536-6537 of 2010

WITH

INTERLOCUTORY APPLICATION NO.....

(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)

DAP CONTAINERS PVT. LTD. AND ORS.

APPELLANTS

VERSUS

B. CHINNA NARASIMHA AND ORS.

RESPONDENTS

OFFICE REPORT ON DEFAULT

It is submitted to the Hon'ble Court that Dr. Kailash Chand, Advocate for the Appellants has on 13th 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. The above-said application is defective as name of Respondent No. 71 and 73 in CA No. 6537 of 2010 have already been deleted vide Hon'ble Court order dated 10th December, 2010 and death certificate of Respondent no. 7 in CA No. 6536 of 2010 has not been filed, however prayer for exemption from filing death certificate is made in the application. Counsel for the Appellants has not cured the above-said defects so far despite this Registry's letter.

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 default of the counsel for the appellant in the matters is listed before the Hon'ble Court (IN CHAMBERS) with this office report.

Dated this, the 20th day of May, 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