

BEFORE THE HON'BLE JUDGE IN CHAMBERS

SEC. IVA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2658 OF 2003

Jinendra @ Deshkumar K Lengade (D) by Lrs.

.. Appellant

-Versus-

State of Karnataka & Ors.

.... Respondents

OFFICE REPORT FOR DIRECTIONS

The appeal above mentioned was listed before the Ld. Registrar Court on 4.2.2016 with an office report dated 3.2.2016, when he was pleased to pass the following Order :

“Last opportunity is granted to the respondent for taking fresh steps for service of legal representatives of deceased respondent no. 6 and last opportunity for filing affidavit of service in respect of Chamber summons of legal representative of deceased respondent no. 7. Be filed within three weeks' time. Registry to submit the status report of remaining respondents. List again on 21.04.2016.”

It is submitted that Counsel for the appellant has neither taken fresh steps for service upon unserved proposed Lr no. 6(a) of deceased Respondent No. 6 nor filed affidavit of service with proof in respect of Chamber summons of legal representatives of deceased Respondent no. 7, so far.

It is further submitted that there are nine respondents in the matter. Respondent No. 1 was represented through Mr. Sanjay R. Hegde, Advocate who has been designated as Senior Advocate and pursuant to his letter dated 2.5.2015, name of Mr. V.N.Raghupathy, Advocate(Standing counsel) has been updated in computer data but Mr. V. N. Raghupathy has not filed memo of appearance, so far.

It is submitted that the appeal alongwith I.A No. 4(Application for substitution of deceased Respondent No. 2 & 7 and condonation of delay in filing

substitution) was listed before the Hon'ble Court on 28.7.2010, when the Court was pleased to pass the following Order :

"Issue notice for setting aside abatement to the proposed legal representatives of deceased Respondent Nos. 2 and 7"

Accordingly, notice was issued on the application for setting aside abatement in respect of application for substitution of deceased Respondent Nos. 2 & 7 on 21.9.2010 to Mr. S.N.Bhat, Advocate in respect of proposed Lr/Respondent No. 3 and to Ms. Sheela Goel, Advocate in respect of proposed Lrs/Respondent Nos. 4, 5, 6, 8 & 9 and also issued notice to proposed Lr Nos. 7(i)-7(iii) of deceased Respondent No. 7 by Regd. AD post. Proposed Lr No. 7(i) has been deleted vide Court's Order dated 14.7.2011 and proposed Lr Nos. 7(ii)-7(iii) are represented through Mr. S.N.Bhat, Advocate.

It is also submitted that vide Order dated 5.12.2013 of Hon'ble Judge in Chamber, I.A No. 8 (Application for amendment of I.A No. 4 i.e application for substitution of deceased Respondent Nos. 2 & 7) was allowed and thereafter Counsel for the appellants has filed separate amended application for substitution of deceased Respondent No. 7 which has been registered as I.A No. 11 and Chamber summons have been issued to the proposed Lrs No.(i)-(vii) but counsel for the appellant has not filed affidavit of service in respect of Chamber summon issued to proposed Lrs of deceased Respondent No.7, so far.

It is again submitted that Counsel for the appellant has also filed separate amended application for substitution of deceased Respondent No. 2 stating therein that Lrs of deceased Respondent No.2 are already on record as Respondent Nos. 3 to 5.

Thereafter, the appeal above mentioned was lastly listed before the Ld. Registrar's Court on 21.4.2016 with an office report dated 19.4.2016, when he was pleased to pass the following Order :-

"Despite last opportunity having been granted for taking fresh steps for service of legal representatives no.6(a) of deceased Respondent No.6, steps have not been taken and also affidavit of service of dasti notice with proof of service not filed. Registry to process the matter for listing before the Hon'ble Judge in Chambers for further directions"

In view of the above said order, the office report for directions in the appeal above-mentioned is listed before the Hon'ble Judge in Chamber with this office report for orders.

Dated this the 11th day of July, 2016.

ASSISTANT REGISTRAR

COPY TO: Mr. V.N. Raghupathy, Adv.
Mr. A. S.Kulkarni, Adv.
Mr. S.N. Bhat, Adv.
Ms.Sheela Goel, Adv.

ASSISTANT REGISTRAR