

**SECTION-IV**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 947 OF 2008**

WITH

**INTERLOCUTORY APPLICATION NO.      OF 2014**

(Application for Substitution)

Sita Bali (Dead) By LRs.

....Appellants

**VERSUS**

Sunder Lal (Dead) & Anr.

....Respondents

**OFFICE REPORT FOR DIRECTION**

The instant appeal is by special leave granted by this Court's Order dated 21.01.2008.

There are two respondents in this appeal. Respondent No.2 is represented through Mr. R.C. Kaushik, Advocate. Respondent No.1 is dead. Mr. C.S. Ashri, Advocate for Respondent No.1 had on 02.08.2013 filed Application for Substitution to bring on record the Lrs. of deceased Respondent No.1, namely Sunder Lal. He has also filed Vakalatnama/Memo of appearance on behalf of proposed Lrs. The application was defective for the reasons mentioned below:-

1. Application for condonation of delay in filing substitution has not been filed as the application is barred by time by 4 years 112 days.
2. Heading of application is incomplete/incorrect.
3. Age of proposed Lrs. has not been given.
4. No statement has been given in the application that there are no other LRs. except the Lrs. mentioned in the application.
5. Date of death given incorrect at Page No. 1 in Para No. 2 as per death certificate.

Mr. Akhilesh Kumar Pandey, Advocate had filed fresh vakalatnama/appearance on behalf of the proposed Lrs. after taking 'no objection' from Mr. C.S. Ashri erstwhile Advocate and had on 04.09.2013 filed Application for Withdrawal of Substitution Application. Thereafter, Ms. Minakshi Vig, Counsel for the appellant has filed reply affidavit to the application for withdrawal of substitution application.

Application for substitution and withdrawal of Substitution application was registered as I.A. No. 3 & 4. Both registered and unregistered applications were listed before the Hon'ble Judge in Chambers on 25.03.2014 when his Lordship was pleased to pass the following orders :

**"These applications are disposed of with a direction to the applicant to cure the defects pointed out by the Registry."**

It is submitted that Mr. Akhilesh Kumar Pandey, Counsel for the proposed Lrs. of deceased Respondent No.1 has not cured the defects stated above till date.

For non-compliance of Order dated 25.03.2014 Office Report on Default was listed before the Hon'ble Judge in Chambers on 03.12.2014, when the Court was pleased to pass the following order:-

**"List the matter before the Court."**

The matter above mentioned along with unregistered application is listed before the Hon'ble Court with this Office Report.

Dated this the 8<sup>th</sup> day of September, 2015.

**ASSISTANT REGISTRAR**

Copy to:

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62, Lawyers Chambers, Supreme Court Compound, New Delhi
2. Mr. R.C. Kaushik, Advocate  
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3. Mr. Akhilesh Kumar Pandey, Advocate  
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**ASSISTANT REGISTRAR**