

ITEM NO.104

COURT NO.2

SECTION XII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s).789/2017

K.SHANMUGAVEL MUDALIAR

Appellant(s)

VERSUS

COMMR., HINDU REL. & CHARI. END. DEPT. & ORS.

Respondent(s)

IA No.87000/2018 - APPLICATION FOR SUBSTITUTION  
IA No.87002/2018 - APPLN. FOR SETTING ASIDE ABATEMENT  
IA No.87001/2018 - CONDONATION OF DELAY IN FILING SUBSTITUTION  
APPLN.  
IA No.95918/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON  
WITH  
SLP(C) No.9075/2017 (XII)

Date : 13-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR  
HON'BLE MR. JUSTICE SANJIV KHANNA

For Appellant(s) Appellant-in-person(Not Present)

Ms. Alpana Sharma, Adv.

For Respondent(s) Mr. Balaji Srinivasan, AAG  
Mr. Vinodh Kanna B., AOR

Ms. Shobha Ramamoorthy, AOR  
Mr. Sri Ram J.Thalapathy, Adv.  
Mr. Shilp Vinod, Adv.  
Mr. Pushkin Rajkumar, Adv.  
Mr. A. Vasantha Kumar, Adv.

Mr. V. J. Francis, AOR  
Mr. Harikumar V., Adv.  
Mr. Anupam Mishra, Adv.

Mr. P. I. Jose, AOR

Mr. Vikas Singh Jangra, AOR  
Mr. Amit Kumar P., Adv.  
Mr. A.Bajaj, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Civil Appeal No(s).789/2017

Today, when these matters were taken up for hearing, no one has appeared on behalf of the appellant in C.A.No.789 of 2017.

Mr.Nikhil Nayyar, Advocate, who appeared earlier in the above-mentioned matter, has been designated as a Senior Advocate.

During the course of hearing, we have been informed that the file of the case was taken away by the appellant himself and now he has filed an application (I.A.No.95918/2019) for permission to appear and argue in person which, according to the Office Report dated 13.02.2020, is defective as he has not filed No Objection Certificate from the rest of the members of the Trust Society.

Learned counsel appearing on behalf of respondent Nos.10 to 13 has also produced a xerox copy of E-mail dated 13.02.2020 sent by the appellant to the Registrar of this Court stating therein that respondent No.7 in C.A.No.789/2017 expired on 21.01.2017 and accordingly he has filed an application for impleadment of the legal heirs of the said respondent. It is further stated in the said E-mail that the appellant has filed an application for substitution (I.A.No.87000/2018), an application for setting aside abatement (I.A.No.87002/2018) and an application for condonation of delay in filing the substitution application in this regard.(I.A.No.87001/2018).

Having heard learned counsel for the parties, we allow the above-mentioned applications in terms of the prayer made. The appellant is also permitted to appear in person and argue the matter henceforth.

**List on 20.02.2020.**

**The Registry is directed to inform the appellant-in-person about the next date of hearing so that he can appear before this Court and argue his case.**

**We make it very clear that no further adjournment shall be granted on any ground whatsoever.**

**SLP(C) No.9075/2017**

**Ms.Alpana Sharma, learned counsel submits that as Mr.Debasis Misra, the erstwhile advocate has expired, she has instructions to appear and argue the case on behalf of the petitioner.**

**List on 20.02.2020.**

**We make it very clear that no further adjournment shall be granted on any ground whatsoever.**

**(SATISH KUMAR YADAV)  
AR-CUM-PS**

**(RAJ RANI NEGI)  
ASSISTANT REGISTRAR**