

LISTING ON 04.01.2016

COURT NO. 5

ITEM NO. 202

SEC.IVA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 21579-21580, 21590-21591 OF 2004, 10677-10678 OF 2005 AND 15270 OF 2006 WITH PRAYER OF INTERIM RELIEF

Ramesh Chandra Sharma & Ors. Etc. .. Petitioners

-Versus-

State of M.P. & Anr. .. Respondents

COMMON OFFICE REPORT

SLP Nos. 21579-80/2004

The matters above mentioned were listed before the Hon'ble Court on 04.10.2004, when he was pleased to pass the following order:-

"Permission to file S.L.Ps. granted
(in CC 9400-9401).

Issue notice.

Dasti service, in addition, is
permitted."

Accordingly, show cause notice was issued to all the 11 respondents on 04.11.2004 through Regd. A.D. post as well as dasti. Mr. C.D. Singh, Advocate has filed vakalat/appearance and counter affidavit on behalf of respondent nos. 1 and 2. Respondent Nos. 3, 5, 6 and respondent nos. 4, 7 to 11 have been deleted vide order dated 16.11.2006 and 05.12.2011 respectively.

Thereafter, the matters above mentioned were again listed alongwith other connected matters before the Ld. Registrar on 24.07.2014, when he was pleased to pass the following order:

"What gets revealed from the perusal of the Office Report is that the unserved cover containing the alternative notice sent to the petitioner No. 3 has been received back with the postal remarks "Expired". Ld. Counsel for the other petitioners shall take appropriate steps on that count."

Thereafter, the matters above mentioned were lastly listed alongwith other connected matters before the Ld.Registrar on 15.12.2014, when he was pleased to pass the following order:

"The office report indicates that although by order dated 26.9.2014 of this Court three weeks time, as last chance was given to the learned counsel for the petitioners to comply with the terms of the Office Report, yet he has not done the needful so far. Viewed in that context, the matter shall be listed before the Hon'ble Judge in Chambers for further future directions. Await orders. List thereafter."

It is submitted that counsel for the petitioner has not taken any fresh steps to bringing on record the Lrs. of deceased petitioner no. 3, so far.

SLP NO. 10677-678 of 2005

The matters above mentioned were listed before the Hon'ble Court on 29.04.2005, when he was pleased to pass the following order:-

"Permission to file the special leave petitions is granted.

Exemption allowed.

Issue notice on the applications for condonation of delay in filing and re-filing special leave petitions as also on the special leave petitions.

Tag the petitions with S.L.P. (C) Nos.21579-21580 of 2004."

Accordingly, show cause notice was issued to respondent nos. 1 to 4 in SLP No. 10677/2005 and respondent nos. 1-16 (1-4 common) in SLP No. 10678/2005 on 31.05.2005 through Regd. A.D. post. Mr. Mishra Saurabh, Advocate has filed vakalat/appearance and counter affidavit on behalf of respondent nos. 1 and 2 in both SLPs. Respondent Nos. 3 in SLP No. 10677/2005 and respondent nos. 5 to 15 have been deleted from the array of parties vide order dated 30.11.2006. A.D. cards duly signed have been received in respect of respondent nos. 4 and 16 in both SLPs but no one has appeared on their behalf, so far vide office report dated 16.02.2008.

Service of show cause notice is complete.

Thereafter, the matters above mentioned were lastly listed alongwith other connected matters before the Id. Registrar on 15.12.2014, when he was pleased to pass the following order:

"Fresh steps for the service of notice of alternative arrangement to the petitioner Nos. 15 to 17 shall be taken within a period of three weeks.

The Office Report is that although by Order dated 26.9.2014 of this Court three weeks time as last chance was given to the learned counsel for the petitioners for taking fresh steps for the service of notice to the unserved respondent No. 4 to 16, 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. List thereafter."

It is submitted that counsel for the petitioner has not taken any fresh steps to issue show cause notice against respondent nos. 4 and 16. Counsel has also not taken any fresh steps in respect of unserved petitioner no. 15-17 to issue notice for making alternative arrangement, till date.

SLP(C) No. 21590-91/2004

The matter above mentioned is listed before the Hon'ble Court on 04.10.2004, when the Court was pleased to pass the following Order:

**"Permission to file S.L.Ps. granted (in CC 9400-9401).
Issue notice.
Dasti service, in addition, is permitted."**

Accordingly, show cause notice was issued to common 1-4 respondents in both the SLPs & 5-16 in SLP 21591/2004 on 23.11.2004 through Regd. A.D. post as well as dasti. Mr. Mishra Saurabh, Advocate has filed vakalanama/appearance and counter affidavit on behalf of respondent Nos. 1 & 2 (Common in both SLPs) and counter affidavit has already been included in the paper books. A.D. cards duly signed in respect of respondent No.

4(common in both SLPs) has been received. Counsel for the petitioner has filed affidavit of dasti service with proof in respect of respondent Nos. 12, 13, 15, 16 but no one has appeared on their behalf. Respondent Nos. 3(common in both SLPs) and 5-11, 14 in SLP 21591 of 2004 have been deleted from the array of parties vide Court's Order dated 23.11.2006 and amended cause title has already been included in the paper books.

It is further submitted that Mr. Prakash Srivastava, Advocate has been designated as Senior Advocate. Hence alternative arrangement notice has on 05.10.2015 issued to petitioner No. 7 through Regd. A.D. post. Neither A.D. Card nor unserved cover has been received in respect of petitioner No. 7.

Service of show cause notice is complete on all respondents but not complete on petitioner No. 7.

SLP(C) No.15270 Of 2006

Thereafter, the matter above mentioned is listed before the Hon'ble Court on 19.11.2015, when the Court was pleased to pass the following Order:

"Four weeks time as last chance is given to the Ld. counsel for the petitioner to take fresh steps for the service of notice to the unserved respondent Nos. 4, 12, 13, 15 & 16.

Await the return of the service of notice for making alternative arrangement already issued to the petitioner No. 7.

List the matter again on 01.12.2016."

Accordingly, show cause notice was issued to common respondent Nos. 1-4 in W.P. No. 4717/01 & MCC No. 372/04. Respondent No. 5-16 in MCC 372/2004 through courier on 16.10.2006. Mr. Mishra Saurabh, Advocate has filed vakalatnama/appearance and counter affidavit on behalf of common respondent No. 2 in both High Court's Nos. and counter affidavit has already been included in the paper books. Proof of delivery in respect of respondent Nos. 5, 7, 8, 10-12, 14 have been received but no one has appeared on their behalf. Respondent Nos. 3, 4, 6, 9, 13, 15 and 16 have been

deleted from the array of parties vide Hon'ble Court's Order dated 15.11.2007.

Service of show cause notice is complete.

Thereafter, the matter above mentioned is listed before the Hon'ble Court on 27.02.2015, when the Court was pleased to inter-alia pass the following Order:

"SLP(C) No. 15270/2006.

The respondent No. 1 has failed to file the counter affidavit within the period stipulated under the rules. Service of notice is complete on the respondent Nos. 5, 7, 8, 10-12 & 14, but no one has entered appearance on their behalf. The respondent No. 3, 4, 6, 9, 13, 15 & 16 have been deleted from the array of parties by order dated 15.11.2007 of the Hon'ble Judge in Chamber. Viewed in that context, the matter shall be processed for listing before the Hon'ble Court as and when the connected one gets ready."

Thereafter, the matter above mentioned is listed before the Hon'ble Judge in Chamber on 17.09.2015, when His Lordship was pleased to pass the following Order:

"Learned Counsel for the petitioners submitted that it is not necessary to effect service on the unserved respondents as most of them are already represented in connected matters.

List the matters before the Court as prayed for."

In view of the above quoted order the matters above mentioned listed before the Hon'ble Court with this office report.

Dated this the 29th day of December, 2015.

ASSISTANT REGISTRAR

COPY TO: Mr. Amalpushp Shroti, Adv.
Mr. Mishra Saurabh, Adv.
Mr. C. D. Singh, Adv.

ASSISTANT REGISTRAR