

LISTED ON : 29-8-2014
COURT NO. : 2
ITEM NO. : 9

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

**PETITION FOR SEPCIAL LEAVE TO APPEAL (C) No. 24150 OF 2010 AND
24147 OF 2010.**

WITH

INTERLOCUTORY APPLICATION NO.5

(Application for impleadment as Respondent in SLP(C) No. 24150 of 2010)

AND

INTERLOCURTORY APPLICATION NO.6

(Application for condonation of delay in filing the application for bringing the lrs of the deceased Respondent Nos. 1 and 3)

AND

INTERLOCUTORY APPLICATION NO.7

(Application to set aside the abatement)

AND

INTERLOCUTORY APPLICATION NO.8

(Application for substitution to bring on record Lrs. of deceased respondent Nos. 1 and 3 in SLP(C) No. 24150 of 2010)

GOVT. OF A.P AND ANR.

...PETITIONERS

-VERSUS-

MALA RAMULOO AND ORS.

..RESPONDENTS

OFFICE REPORT

The matter i.e SLP(C) No. 24150 of 2010 above-mentioned were listed before the Hon'ble Court on 16th August, 2010, when the Hon'ble Court was pleased to pass the following Order:-

16th August, 2010

“Delay condoned.

Issue notice.

Mr. N.Dube, Advocate accepts notice on behalf of respondent no. 14.

Parties are directed to maintain status quo prevailing as on date.”

Subsequently, the matters above-mentioned were listed before the Hon'ble Court on 7th March, 2014, when the Hon'ble Court was pleased to pass the following Order:-

“In view of the letter circulated by the learned counsel appearing on behalf of the petitioners, three weeks' time is

granted to file rejoinder affidavit.
List thereafter.”

Lastly, the matters above-mentioned were mentioned before the Hon'ble Court on 5th May, 2014, when the Hon'ble Court was pleased to pass the following Order:-

“Learned counsel for the State as well as for the applicant may approach the Registrar. He may examine the issue as to whether the spelling mistake both in the Death Certificate as well as in the Ration Card etc. of one of the person who died, may be accepted or not. List in the 2nd week of July, 2014.”

It is submitted to the Hon'ble Court that accordingly the matter was placed before the Ld. Registrar J-III and he has submitted his report as under:

“In pursuance of order dated 5th May, 2014, passed in SLP(C) No. 24150 of 2010 by the Hon'ble Court requiring the learned counsel for the State and the applicant to approach the undersigned in order to examine the issue whether spelling mistake, both in death certificate as well as in the Ration Card (Unique identification card), etc. of one of the person, who died may be accepted or not, I have examined the document (death certificate), identification card, letter received on 2nd May, 2014, furnished by Mr. Praveen Agrawal, Advocate for Respondent No. 1, and have heard learned counsel on either side.

Respondent No. 1, i.e., Mala Ramulu S/o Pentaiah and Respondent No. 3, Mr. Neeradi Laxmaiah, s/o Tulja Ram expired and discrepancy in recording their names in the death certificates was noticed. As regards, Neeradi Laxmaiah, it has been recorded as 'Neerudi Laxmaiah' and so far as Mala Ramulu is concerned, it has been recorded as 'K. Ramulu'. The issue, as per the directions of the Hon'ble Court dated 5th March, 2014, and according to learned counsel, relates to Mala Ramulu. The letter of Mr. Praveen Agrawal, which was received on 2nd May, 2014, states that 'Mala' refers to community and 'Kodari' is their family name.

Having examined the said letter of Mr. Agrawal and the submissions of both the learned counsel that Mala Ramulu and K. Ramulu, whose name appear differently in identification Card and death certificate respectively, in terms of the Hon'ble Court's order dated 5th May, 2014 are one and the same person, and hence the document (death certificate) in question may be accepted and taken on record.”

It is further submitted to the Hon'ble Court that Ms. C. K. Sucharita, counsel for the petitioner has not filed Rejoinder affidavit so far in SLP(C)No. 24150 of 2010 view of his letter dated 5th March, 2014.

It is also submitted to the Hon'ble Court that Mr. Rakesh K. Sharma, Advocate for respondent has on 27th August, 2014 furnished a letter requesting therein for a short adjournment for two weeks in the above-mentioned matter on account of personal difficulty. The same is placed before the Hon'ble Court for its kind perusal.

It is further submitted that there are total 20 respondents. Mr. Rakesh Kumar Sharma, Advocate has filed counter affidavit on behalf of Respondent Nos. 11 to 13. Ms. T. Anamika, Ms. Garima Prasad and Mr. A. Chinna Swamy, Advocate has filed counter affidavit on behalf of respondent nos. 14, 15 to 18 and 20 respectively, Respondent Nos. 2, 4 to 10 and 19 have been deleted vide Court order dated 4th October, 2012. Cause-title has been amended accordingly.

It is also submitted that Mr. Praveen Agarwal, counsel for the proposed Irs. of deceased respondent nos. 1 and 3 has on 22nd July, 2014 filed fresh application for bringing on record the proposed Lr. of deceased Respondent No. 1 and 3 alongwith vakalatnama/appearance on their behalf. He has also filed applications for condonation of delay alongwith set aside the abatement on their behalf. There is a delay of 2367 days in respect of deceased respondent no. 1 and 685 days in respect of deceased respondent no. 3. The same have registered as IA No. 6, 7 and 8 are placed before the Hon'ble Court for its kind perusal.

It is lastly submitted to the Hon'ble Court that Dr.Kailash Chand, Advocate has on 29th January, 2014, filed an application for impleadment seeking permission to implead the applicant herein as Respondent. The said application is registered as I.A No. 5 and is placed herewith for Hon'ble Court's kind perusal.

Service is complete.

SLP(C) No. 24147 of 2010

The matter was listed before the Hon'ble Court 16th August, 2010 when the Hon'ble Court was pleased to pass the following order:-

“Delay condoned.

Issue notice.

Mr. N.Dube, Advocate accepts notice on behalf of

respondent no. 14.

Parties are directed to maintain status quo prevailing as on date.

Tag with SLP(C) No. 24150/2010 (CC 11606).”

It is submitted to the Hon'ble Court that Mr. Aniruddha P. Mayee, Advocate has on 3rd April, 2014, filed Vakaltnama/Appearance on behalf of Respondent No. 5, 8 and 17. Mr. Robin Majumder, Advocate has also on 3rd April, 2014 filed counter affidavit on behalf of Respondent Nos. 9 and 10 with annexure R1 to R5.

It is submitted that there are total 18 Respondents in the matter. Ms.T.Anamika, Advocate has filed counter affidavit on behalf of Respondent No. 14. Mr.Rakesh Sharma, Advocate has filed counter affidavit on behalf of Respondent Nos. 11 to 13. Mr.A Chinnaswamy, Advocate has filed counter affidavit on behalf of Respondent No. 18. Mr.G.N.Reddy also not filed counter affidavit on behalf of Respondent No. 16 so far. Service is complete through publication on Respondent nos. 1 to 10, 15 and 17 but no one has entered appearance on their behalf so far.

Services is complete.

The matters alongwith applications above-mentioned are listed before the Hon'ble Court with this office report.

Dated this the 28th day of August, 2014.

ASSISTANT REGISTRAR

Copy to:-

1. Ms. C.K Sucharita, Advocate
2. Mr. Aftab Ali Khan, Advoacate
- 3 .Mr. A Chinna Swamay, Advocate
4. Mr. N. Dube, Advocate
5. Ms. Garima Prasad, Advocate
6. Mr. G.N Reddy, Advocate
7. Ms. T. Anamika, Advocate
8. Mr. Rakesh Kr. Sharma, Advocate
9. Mr. Praveen Agarwal, Advocate
- 10.M/s. Equity Lex Associates, Advocate
- 11.Dr.Kailash Chand, Advocate

ASSISTANT REGISTRAR