

LISTED ON : 7-3-2014
COURT NO. : 1
ITEM NO. : 5

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.

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

WITH

INTERLOCUOTY APPLICATION NO. 5

(Application for impleadment as Respondent 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 mentioned before the Hon'ble Court on 24th January, 2014, when the Hon'ble Court was pleased to pass the following order:-

"List in the first/second week of March, 2014 before an appropriate Bench."

It is 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

: 2 :

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 further submitted that Mr. Praveen Agarwal, Advocate has on 19th July, 2012 filed common Application for bringing on record the proposed lrs. of deceased respondent nos. 1 and 3 who died on 28th August, 2005, and 6th April, 2010 respectively alongwith Vakalatnama and appearance on behalf of proposed lrs. of respondent no. 3 only. But the said application is defective for the reason below.

1. Death Certificate has not been filed.
2. Application for condonation of delay in filing the application for substitution to bring on record the lrs. has not been filed as there is a delay of 2367 days in respect of respondent no. 1 and 685 days in respect of respondent no. 3.
3. Neither application for setting aside the abatement nor prayer in this regard has been made/filed.
4. Age of proposed Lrs. has not been mentioned in the application.
5. Address and age of proposed Lr. no. 2 and 3 in respect of respondent no. 1 has not been mentioned.
6. Name of deceased respondent has not mentioned.
7. Counsel has not filed Vakalatnama and appearance on behalf of the proposed Lrs. of respondent no. 1
8. Copy of the application for substitution has not served on other side.

It is also submitted that Mr. Praveen Agarwal, counsel for the proposed lrs. of deceased respondent nos. 1 and 3 has instead of curing the defects counsel has filed fresh application for bringing on record the proposed Lr. of deceased Respondent No. 1 and 3. The said application is also defective for the reasons below:-

1. Name of Respondent No. 3 not tallying with the application.

: 3 :

2. Death Certificate of both the Respondents i.e Respondent Nos. 1 and 3 also not tallying.

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 incomplete on Respondent nos. 1 & 3.

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

Dated this the 6th day of March, 2014.

ASSISTANT REGISTRAR

Copy to:-

1. Ms. C.K Sucharita, Advocate
2. Mr. Aftab Ali Khan, Advocate
3. Mr. A Chinna Swamy, 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