

Chamber Matter  
SECTION IV B Listed on.  
Court No.  
IN THE SUPREME COURT OF INDIA Item No.  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL) NO. 28995 OF 2012.

WITH PRAYER FOR INTERIM RELIEF

Shashi Kumar ...Petitioners

Versus

OmPrakash & Ors. ...Respondent

OFFICE REPORT ON DEFAULT

The matter above mentioned was listed before the Hon'ble Judge in Chambers on 20.04.2015 with office report on default dated 10.02.2015, when the following order was passed:

"As prayed for, two weeks' time is granted to learned counsel for the petitioner to cure defects as pointed out by the Registry in office report dated 10<sup>th</sup> February, 2015."

It is submitted that the counsel for the petitioner has not cured the defects in the application for substitution of deceased respondent no. 8 in terms of Id. Registrar's order dated 31.07.2013, 23.09.2013, 28.11.2013 and 28.01.2014 and Hon'ble Chamber Judge's order dated 07.07.2014 and also above order dated 20.04.2015. However, instead of curing the defects in the application for substitution, counsel for the petitioner Mr. P.N. Puri has filed another application for the same cause on 01.05.2015 which is also defective for the following reasons

1. Date of death in the application for substitution is mentioned 26.10.2012 whereas in the death certificate it is 30.01.2006.

2. Application for setting aside abatement has not been filed.

It is further submitted that counsel for the petitioner has also filed proof of depositing the cost of Rs. 500/- to Supreme Court Legal Service Committee in terms of Ld. Registrar's order dated 28.11.2013 which is also barred by time.

Service of show cause notice is not complete.

The default of the Counsel for the petitioner for not taking proper steps for substitution of deceased respondent no. 8 is therefore, listed before the Hon'ble Judge in Chambers with this office report.

Dated this the 29th day of May, 2015.

ASSISTANT REGISTRAR

Copy to :- Mr. P.N Puri, Advocate.  
Mr. Santosh Singh, Advocate.  
Mr. Balbir Singh Gupta, Advocate.  
Mr. Kamal Mohan Gupta, Advocate.

ASSISTANT REGISTRAR

YKS/Mty