

SECTION – XVI

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO.2

(Application for substitution to bring on record L.Rs. of deceased  
Respondent Nos.11, 13, 19, 22, 26, 29, 30 and 35 )

AND

INTERLOCUTORY APPLICATION NO.3

(Application for condonation of delay in filing substitution application)

IN

CIVIL APPEAL NO. 7095 OF 2015

State of West Bengal & Ors.

...APPELLANTS

-VERSUS -

Nur Islam & Ors.

...RESPONDENTS

OFFICE REPORT

This is an appeal by special leave granted by this Hon'ble Court by Order dated 8.9.2015.

There are 37 respondents in the appeal above mentioned. Respondent Nos.1 to 10 12, 14 to 18, 20, 21, 23 to 25, 27, 28, 31 to 34, 36 and 37 are represented through Mr. Shibashish Mishra, Advocate. Respondent Nos.11, 13, 19, 22, 26, 29, 30 and 35 are reported to be dead. Counsel for the Appellants was asked vide this Registry's letter dated 29th September, 2015 to file application for substitution to bring on record L.Rs. of these deceased respondents but needful was not done . The matter above-mentioned alongwith connected matters was listed before the Ld. Registrar Court on 6.1.2016 , 26.2.2016 and lastly on 19.4.2016, when he was pleased to pass inter alia the following Order:

“Civil Appeal No.7095/2015

Ld. Counsel for the petitioner has failed to comply order dated 26.2.2016 in respect of the deceased respondent Nos. 11, 13, 19, 22, 26, 29, 30 and 35 in spite of last chance granted. Therefore, the matter shall be processed for listing before the Hon'ble Judge in Chambers for further future directions. Await orders and list thereafter.“

It is submitted that Counsel for the Appellant has on 7th June, 2016 filed an application for substitution to bring on record L.rs. of deceased Respondent Nos. 11, 13, 19, 22, 26, 29, 30 and 35 and application for condonation of delay in filing substitution as the same is barred by time by 4747, 2615, 3004, 2735, 2552, 5537, 3640 and 1479 day respectilvely alongwith setting aside abatement.

The applications in the matters above-mentioned are listed before Hon'ble Judge in Chambers with this office report.

DATED THIS THE 28th DAY OF June, 2016.

ASSISTANT REGISTRAR

Copy to:- Mr. Parijat Sinha, Advocate.  
Mr. Shibashish Mishra, Advocate.

ASSISTANT REGISTRAR