

SECTION IVB

Listed on 25.04.2017

Court No.11

IN THE SUPREME COURT OF INDIA

Item No.101

CIVIL APPELLATE JURISDICTION

PETITIONS FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 28455-28456 OF 2013, 14333-34 OF 2014, 15881 AND 2492-93 of 2016

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO.1-2 & 3-4 in SC-14333-34/14

(Application for condonation of delay in filing and refiling the SLP)

Parminder Singh & Anr. Etc.Etc.

Petitioner(s)

Versus

Bajaj Allianz Gen. Ins. Co.
Ltd. & Anr. Etc.

Etc. Respondent(s)

OFFICE REPORT

SLP (C) Nos. 28455-28456 OF 2013

The matters above mentioned were listed before the Hon'ble Court on 08.10.2015, when the Court was pleased to pass the following order:-

" List the Special Leave Petitions along with Civil Appeal NO. 5826 of 2011."

It is submitted that there are total two common respondents in this matters. Ms. Meera Mathur, Advocate has filed Vakalatnama & Memo of Appearance on behalf of Respondent No. 1 but has not filed Counter Affidavit so far. A.D. Card duly signed has been received back in respect of common Respondent No. 2 but no one has filed Vakalatnama & Memo of Appearance on behalf of the said respondent so far.

Service of show cause notice is complete.

SLP (C) Nos. 14333-14334/2014

The matters above mentioned were listed before the Ld. Registrar on 09.02.2015, when the following order was passed :-

" Fresh steps for the service of notice by usual mode to the unserved respondent nos. 2 to 5 shall be taken by the learned counsel for the petitioner within a period of three weeks. Dasti in addition is permitted to be served through the Trial Court the particulars of which shall be furnished by the learned counsel for the petitioner within the period prescribed above.

Service of notice is complete on the respondent no.1 but no one has entered appearance on his behalf.

List again on 17.04.2015."

The matter above mentioned was again listed before the Ld. Registrar on 06.08.2015 when the following order was passed :-

" The office report indicates that although vide order dated 17.04.2015 of this Court four weeks time as last chance was given to learned counsel for the petitioner to take fresh steps for the service of notice to the unserved respondent nos. 2 to 5, yet he has not done the needful within the period stipulated in the order. 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."

Thereafter, the matter above mentioned was listed before the Hon'ble Court on 14.10.2015, when the Court was pleased to pass the following order:-

" List along with C.A. No. 5826 of 2011 Etc."

It is submitted that counsel for the petitioner has on 23.04.2015 filed spare copies for issuance of Notice to unserved Respondent Nos. 2 to 5. But she had not provided particulars of concerned Trial Courts in respect

of Respondent Nos. 2 to 5. After order dated 06.08.2015 of Ld. Registrar, counsel has on 30.09.2015 filed particulars of concerned Trial Courts in respect of Respondent Nos. 2 to 5. But, show cause notice could not be issued as counsel has done the needful after the time granted by Ld. Registrar. Respondent No. 1 has been served by registered A.D. Post but no one has entered appearance on its behalf so far.

Service of show cause notice in respect of Respondent Nos. 2 to 5 is not complete.

SLP (C) No. 15881/2016

The matter above mentioned was listed before the Hon'ble Court on 08.07.2016, when the Court was pleased to pass the following order:-

“ Issue notice.

Tag with C.A. No. 5826 of 2011 and connected matters.”

It is submitted that there are 5 respondents in this matter. Mr. Varinder Kumar Sharma, Adv has filed vakalatnama alongwith Counter Affidavit on behalf of respondent no.1 and the same is circulated before Hon'ble Court. A.D. card duly signed has been received from respondent no.4 but no one has filed vakalatnama on his behalf so far. Neither A.D. card nor unserved cover containing notice has been received from respondent nos. 2, 3 and 5 so far.

Service of show cause notice is not complete on respondent nos. 2, 3 and 5.

SLP (C) No. 2492-93/2016

The matter above mentioned was listed before the Hon'ble Court on 28.02.2017 with office report dated 21.02.2017, when the Court was pleased to pass the following order:-

" It is represented by learned counsel appearing for both the parties that the legal issue involved in this petition is:

whether "transport vehicle" and "omnibus" the "gross vehicle weight" of either of which does not exceed 7500 kg would be a "light motor vehicle" and also motor car or tractor or a roadroller, "unladen weight" of which does not exceed 7500 kg and holder of licence to drive class of "light motor vehicle" as provided in Section 10(2)(d) would be competent to drive a transport vehicle or omnibus, the "gross vehicle weight" of which does not exceed 7500 kg or aa motor car or tractor or roadroller, the "unladen weight" of which does not exceed 7500 kg?

We are informed that by an order dated 11th February, 2016 in Civil Appeal No. 5826 of 2011, the aforesaid issue has been referred to a larger Bench in order to resolve conflict in the views expressed by different Benches of this Court. In view of the same, let these special leave petitions also be tagged with C.A. No. 5826 of 2011."

Accordingly the instant matter is tagged with C.A. No. 5826/2011.

It is submitted that there are 3 common Respondents in this matter. Ms. Archana Pathak Dave, Advocate has filed vakalatnama and counter affidavit on behalf of Respondent No.1 and the counter affidavit has been included in the SLP paper books. Ms. Meenakshi Vij, Advocate has filed vakalatnama and memo of appearance on behalf of Respondent No.3 but she has not filed counter

affidavit so far. A.D. card duly signed has been received from respondent No.2 but no one has entered appearance on her behalf so far.

Service of show cause notice is complete.

The matters above mentioned except SLP (C) Nos. 15881 and 2492-93 of 2016 were listed before the Hon'ble Court on 11.02.2016, when the Court was pleased to pass the following order:-

" Hon'ble Mr. Justice Arun Mishra pronounced the order of the Bench comprising Hon'ble Mr. Justice Kurian Joseph and His Lordship.

Let the matters be placed before Hon'ble the Chief Justice of India to constitute a larger Bench in order to resolve conflict in the views expressed by different Benches of this Court."

The matters are listed before the Hon'ble Court with this office report.

Dated this the 24th day of April, 2017.

ASSISTANT REGISTRAR

Copy to : Dr. Vipin Gupta, Adv.
Ms. Meera Mathur, Adv.
Mr. Ambhoj Kumar Sinha, Adv.
Ms. Archana Pathak Dave, Adv.
Ms. Meenakshi Vij, Adv.

ASSISTANT REGISTRAR

haokip/chetan