

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 18525/2009

VINODCHANDRA SAKARLAL KAPADIA

Petitioner(s)

VERSUS

STATE OF GUJARAT & ORS.

Respondent(s)

(OFFICE REPORT FOR DIRECTION TO BE LISTED IN SLP C(NO) 22460/2009
AND SLP (C) NO. 27746 OF 2011)

WITH

SLP(C) No. 22460/2009

SLP(C) No. 27746/2011

(IA No.99534/2017-APPROPRIATE ORDERS/DIRECTIONS)

Date : 05-02-2018 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
[IN CHAMBERS]For Petitioner(s) Mr. Mrityunja Singh, Adv.
M/S. Lawyers Knit & Co, AOR

Ms. K. V. Bharathi Upadhyaya, AOR

Ms. Monisha Handa, Adv.
Mr. Mohit D. Ram, Adv.For Respondent(s) Mrs. Hemantika Wahi, AOR
Ms. Mamta Singh, Adv.

Mr. S. C. Patel, AOR

Mr. Nilesh A. Pandya, Adv.
Mr. Hemal Kiritkumar Sheth, AORUPON hearing the counsel the Court made the following
O R D E RIn SLP(C) No. 22460 of 2009

Learned counsel for the petitioner has not filed any application for bringing on record the Lrs. of deceased respondent Nos. 1, 3 and 4 in SLP(C) No. 22460 of 2009 despite time granted. Hence, the Special Leave Petition stands abated qua respondent Nos. 1, 3 and 4.

In SLP(C) No. 27746 of 2011

It is informed that the respondent Nos. 2, 3 and 5 have passed away.

Learned counsel for the petitioner has filed an application for substitution to bring on record the Lrs. of deceased respondent Nos. 2, 3 and 5 after such a long period of time and the application now filed is also stated to be defective on account of discrepancies in the names of Lrs. of respondent Nos. 2, 3 and 5.

I find no reason why these Lrs. should be drawn into litigation after so many years when the applicant has not taken any steps to implead the lrs of the said respondents. Viewed thus, the names of respondent Nos. 2, 3 and 5 shall stand struck off from the array of parties.

I.A. No. 99534 of 2017 in SLP(C) No. 27746 of 2011

Learned counsel for respondent No. 4 has now entered appearance and prays that the proceedings in SLP(C) No. 27446 of 2011 shall stand abated in view of the fact that the Lrs. of deceased respondent Nos. 2, 3 and 5 have not been brought on record. He pleads for dismissal of the petition in view of the fact that once there is a common and indivisible decree, and the appeals stands dismissed again one of them, the appeals would have abated as against all (*State of Haryana Vs. Trilok Chand and Ors. Etc. Etc.*; JT 1995(9) SC 345).

I find force in the aforesaid contention, thus the sequitur to the order passed today striking off the respondent Nos. 2, 3 and 5 from the array of parties would follow and the Special Leave Petition stand abated.

Accordingly, application for direction for declaring Special Leave Petition as abated stands disposed of.

(POOJA SEHGAL)
SENIOR PERSONAL ASSISTANT

(SNEH LATA SHARMA)
BRANCH OFFICER