

BEFORE THE HON'BLE JUDGE IN CHAMBERS

SECTION - IV A

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 7

(Application for substitution of Lrs of deceased Respondent No. 14 & 15(e))

WITH

INTERLOCUTORY APPLICATION NO. 8

(Application for condonation of delay in filing the above said substitution application)

IN

CIVIL APPEAL NO. 5096 OF 2002

Ajit Kumar

...Appellant

-Versus

Rathnavathi(D) by Lrs. & Ors.

...Respondents

OFFICE REPORT

This is an appeal against the Judgment and order dated 03.03.1999 of the High Court of Karnataka at Bangalore in RFA No. 425/89.

There are Respondents Nos. 1(a)-(b), 3-14, 15(a)-(e), 16(a)-(c), 17-18, 19(a)-(c), 20, 21, 22(a)-(i), 23 & 24 in the matter.

Respondent No. 1(a) is appellant himself and Respondent No. 1(b) is represented through Mr. V.N. Raghupathy, Advocate. Respondent No. 2 has expired and his Lrs. are already on record as sole appellant and Respondent no. 3. Respondent No. 3 has been served at SLP stage, but no one entered appearance. Respondent No. 4 to 10, 12 and 13 are represented through Ms. Anjana Chandrasekhar, Advocate. Lr. Nos. 15(a)-(d) of deceased Respondent No. 15 have been served with notice and they are also as Respondent nos. 7, 8, 9 & 13, respectively and are represented through Ms. Anjana Chandrasekhar, Advocate. Respondent Nos. 16(a)-(c) have been served with alternative arrangement notice after designation of Mr. Mahabir Singh as Senior Advocate, but no appearance on their behalf. Respondent No. 17, 18, 19(a)-(c), 20, 21, 22(a)-(i), 23 and 24 have been served with notice, but no appearance on their behalf.

It is submitted that Respondent No. 14, who is also as Respondent no. 15(e), has expired. Counsel has filed application for substitution of deceased respondent no. 14 stating therein that her Lrs. are already on record as Respondent no. 7 to 9 & 13 alongwith an applicaiton for condonation of delay in filing substitution application with prayer for setting aside abatement as there is a delay of 883 days. The said applications have been registered as I.A Nos. 7 & 8 respectively and placed alongwith appeal paper books.

It is submitted that Respondent No. 11 has also expired and counsel for the appellant has filed an application for substitution and chamber summons have been endorsed to Advocate for service upon the proposed Lrs, but he has not filed affidavit of service in this behalf, so far.

I.A Nos. 7 & 8 in the appeal above mentioned are listed before the Hon'ble Judge in Chambers with this office report for orders.

Date this the 4th day of July, 2016.

Copy to: 1. Mr. S.N. Bhat, Adv.
2. Ms. Anjana Chandrashekar, Adv.
3. Mr. V.N.Raghupathy, Adv.

ASSISTANT REGISTRAR

ASSISTANT REGISTRAR