

LISTED ON : 17.03.2015

BEFORE COURT NO.:
ITEM NO.:

SECTION-IX
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 35859 OF 2014
WITH PRAYER FOR INTERIM RELIEF

WITH
INTERLOCUTORY APPLICATION NO. 1
(Application for condonation of delay in filing SLP)

WITH
INTERLOCUTORY APPLICATION NO. 3
(Application for intervention filed by Mr. Gaurav Goel, Advocate)

AND
INTERLOCUTORY APPLICATION NO. 4
(Application for impleadment as party respondent filed by M/s. Parekh and Company, Advocates)

WITH
SPECIAL LEAVE PETITION (CIVIL) NO. 4112 OF 2015 AND SLP (C) NO. 6677 OF 2015 @ CC NO. 2358 OF 2015

LIFE INSURANCE CORPORATION OF INDIA ...PETITIONER

-VERSUS-

VITA PVT. LTD. AND ANOTHER ..RESPONDENTS

OFFICE REPORT

SPECIAL LEAVE PETITION (CIVIL) NO. 35859 OF 2014

The matter above mentioned was listed before the Hon'ble Court on 15th December, 2015, when the Court was pleased to pass the following Order:

" Notice on the application for condonation of delay as also on the Special Leave Petition.

Learned counsel, on caveat, accepts notice.

Counter affidavit and rejoinder affidavit are not necessary for the purpose of disposal of the Special Leave Petition.

Matter will be heard in usual course on a Non-miscellaneous day."

Thereafter, Interlocutory Application No. 3 i.e. application for intervention filed by Mr. Gaurav Goel, Advocate was listed before the Hon'ble Judge in Chamber on 02nd February, 2015, when the Court was pleased to pass the following Order:-

" Issue notice on the Application for

Intervention.

Reply be filed within two weeks."

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It is submitted for information of the Hon'ble Court that there are two respondents in the instant matter represented by Ms. Anindita Pujari, Advocate but no reply affidavit has been filed to the SLP as well as to the application for intervention so far.

It is further submitted that counsel for the petitioners have also not filed reply affidavit to the application for intervention so far.

It is lastly submitted that M/s. Parekh and Company, Advocates have filed an application for impleadment as party respondents along with vakalatnama and appearance on behalf of the proposed respondents. The application has been registered as Interlocutory application No. 4 and the same is being circulated before the Hon'ble Court with this report.

Service of notice is complete in the SLP as well as in the application for intervention.

SPECIAL LEAVE PETITION (CIVIL) NO. 4112 OF 2015 AND SLP (C) NO. 6677 OF 2015 @ CC NO. 2358 OF 2015

The matters above mentioned were listed before the Hon'ble Court on 11th February, 2015 when the Court was pleased to pass the following Order:

"Delay of 457 days in filing the Special leave petition (C)...../2015 (CC No. 2358) is condoned.

Issue notice on both the special leave petitions.

Let these matters be heard along with Special Leave Petition (C) No. 35859 arising out of CC No. 19293 of 2014.

Hearing of the matters shall be expedited with the permission of Hon'ble the Chief Justice.

Till the matters are heard, status quo, as it exists today, shall be maintained.

We have heard Mr. Vikas Singh, learned senior counsel appearing for the respondent in S.L.P.(C) No. 4112 of 2015, who opposed grant of status quo.

In our view, it is well settled that when an appeal/petition arising out of an order is fixed for hearing and notices are issued, then the order which has serious consequences, must be stayed. Reference is made to the decision of this Court in Ashoka

Marketing Limited and another versus Punjab National Bank and others reported in (1990) 4 SCC 406.

It goes without saying that we have not entered into the merits and have not expressed any opinion on the merits of the case."

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It is submitted for the information for the Hon'ble Court that there are four common respondents in the instant matters. Respondent No. 1 is represented by Ms. Ramamani, Advocate and she has filed counter affidavits on behalf of the said respondent in both the matters above mentioned and are being circulated before the Hon'ble Court. Neither A. D. Cards nor unserved covers have been received back from Respondent Nos. 2 to 4 so far.

It is further submitted that counsel for Respondent No. 1 has filed common applications for vacating status quo order dated 11.02.2015 and for dismissal of SLP's above mentioned. The applications have been registered as interlocutory applications Nos. 3 and 4 and are being circulated before the Hon'ble Court in the SLP (C) No. 6677 of 2015.

Service of notice is awaited on Respondent Nos. 2 to 4.

The matters along with applications above mentioned are listed before the Hon'ble Court with this report.

Dated this the 16th day of March, 2015.

ASSISTANT REGISTRAR

Copy to:

M/S. BHAVE AND ASSOCIATES, ADVOCATES
MS. ANINDITA PUJARI, ADVOCATE
MR. GAURAV GOEL, ADVOCATE
MR. ARUP BANERJEE, ADVOCATE
MS. S. RAMAMANI, ADVOCATE

ASSISTANT REGISTRAR

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