

SECTION IV B

Listed on 01.12.2015
IN THE SUPREME COURT OF INDIA Court No. R-1
CIVIL APPELLATE JURISDICTION Item No. 10

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 28036
AND 28070 OF 2011, 14216, 15981, 15987 AND 15990 OF 2012
AND 18079 OF 2013

WITH PRAYER FOR INTERIM RELIEF

Shashi Kumar & Ors. Etc. Etc. ...Petitioner(s)

Versus

State of Haryana & Ors. Etc. Etc. ...Respondent(s)

OFFICE REPORT

The matters above mentioned were listed before the
Ld. Registrar on 09.09.2015 and the following order was
passed:-

"SLP(C) No. 15981 of 2012

Learned counsel for the petitioner
has requested two weeks' time to file the
affidavit as proof of service of notice of
motion for the respondent qua the proposed
lrs. of deceased respondent no. 1. Be filed
as mentioned.

SLP(C) No. 15987 of 2012

Learned counsel for the petitioner
has not filed affidavit with proof of
service of notice of motion on deceased
lrs. Of respondent no. 4. Be filed within
four weeks' time.

SLP(C) No. 28036 of 2011

The application praying for
substituting the lrs. of deceased
respondent nos. 12, 34, 40 and 45 and also
for deleting the name of respondent no. 18
are still defective. Learned counsel for
the petitioner has requested two weeks'
time to cure the defects and also to file
the application for substituting the legal
representatives of deceased respondent nos.
29 and 39. Be filed as assured. Petitioner
also to take fresh steps to effect the
service of respondent nos. 12, 18, 29, 34,
39, 40, 43 and 45 and also to provide the
fresh address for respondent no. 43.

SLP(C) No. 28070 of 2011

The application for substituting the lrs. of deceased respondent no. 4 has been processed in the listing pool of Hon'ble Judge-in-Chambers. Service of respondent nos. 1-3 and 5-7 is complete. But none has appeared on behalf of these respondents.

SLP(C) No. 14216 of 2012

The application to substitute the legal representatives of deceased respondent no. 4 is already in process. Learned Advocate, Ms. Santosh singh, has still to provide the sufficient address for respondent no. 5 and has to take fresh steps to effect the service upon respondent nos. 1 to 3 for the notice qua the aforesaid application for substitution.

SLP(C) No.15990 of 2012

Learned counsel for the petitioner has not filed affidavit of service in respect of respondent nos. 1 and 3 but he has already filed the copy of proof of service. Be filed within four week' time.

Counter affidavit of respondent nos. 2 and 4-11 is still awaited. Be filed within four weeks' time.

SLP(C) No. 18079 of 2013

The counter affidavit has been filed by the sole respondent in SLP(C) No. 18079 of 2013.

List on 01st December, 2015."

SLP (C) No. 28036 OF 2011

It is submitted that counsel for the petitioner has not cured the defects in the applications for substitution of deceased respondent Nos. 12, 34, 40 and 45 and also deletion applications of respondent No. 18 so far.

It is further submitted that counsel for the petitioner has not filed application for substitution of LR's. of deceased respondent Nos. 29 and 39 so far.

It is further submitted that counsel for the petitioner has filed affidavit alongwith proof of dasti service in respect of Respondent Nos. 29, 35, 39 and 43 which reveals that show cause notice has been served on Respondent Nos. 29, 39 and 43 have expired but no

application for substitution has been filed by the counsel in respect of the respondents.

Service of show cause notice in respect of respondent Nos. 12, 18, 29, 34, 39, 40, 43 and 45 is incomplete.

SLP (C) No. 28070 OF 2011

It is submitted that counsel for the petitioner has filed an application for substitution of deceased respondent No. 4 which is ready to be listed before the Hon'ble Court(In Chamber).

Service of show cause notice in respect of respondent Nos. 1-3 and 5-7 is complete.

SLP (C) No. 14216 OF 2012

It is submitted that an application for substitution to bring on record Lrs. with vakalatnama on behalf of all the proposed Lrs. of deceased respondent No. 4 filed by Mrs. Santosh Singh, Advocate was listed before the Hon'ble Judge(In Chamber) on 20.07.2015, when the Court was pleased to pass the following order :-

"Issue notice on I.A. Nos. 3, 4 and 5 of 2015 in SLP(C) No. 14216/12."

Accordingly, show cause notice to petitioner through Mr. P. N. Puri, Advocate and respondent Nos. 1-3 and 5 through Registered A.D. Post was issued on 08.08.2015 to which unserved cover containing notice has been received back in respect of respondent Nos. 1 and 5 where unserved cover in respect of respondent No. 5 contains remarks "They left without intimation" and remarks given in respect of Respondent No.1 is not clear. However, Mr. Santosh Singh, Advocate has not provided the sufficient address for Respondent No. 5 and he has also not taken fresh steps to effect the service upon Respondent Nos. 1 to 3 in the application for substitution.

Service of show cause notice on SLP is complete by way of dasti service on respondent Nos. 1-3 and 5 and

service of show cause notice on the application for substitution to bring on record the LRs. of deceased respondent No. 4 is incomplete on respondent Nos. 1-3 and 5.

SLP (C) No. 15981 of 2012

It is submitted that pursuant to the aforesaid order. Mr. P.N. Puri, Advocate for the petitioner has on 15.09.2015 filed affidavit with proof of service of notice of motion of the proposed Lr. Nos. 1(i) to 1(iv) of deceased respondent no.1 namely Surta. Service of notice of motion in respect of all the proposed Lr. Nos. 1(i) to 1(iv) is complete. Respondent Nos. 2 & 3 are served through Regd. A.D. Post and no one has entered appearance on their behalf so far. Respondent nos. 4 to 7 are represented through Mr. Balbir Singh Gupta, Advocate. However, he has not filed Counter Affidavit on their behalf so far.

The matter above mentioned was listed before the Hon'ble Court (In Chamber) on when the Court was pleased to pass the following order :

" I.A. No. 5 of 2015 (application for setting aside abatement in bringing on record the legal representatives of deceased respondent no. 1), I.A. No. 4 of 2015 (application for condonation of delay in bringing on record the legal representatives of deceased respondent no. 1), I.A. No. 6 of 2015 (application for exemption from filing O.T.)and I.A. No. 3(application for bringing on record the legal representatives of deceased respondent no. 1)are allowed.

The legal representatives of deceased respondent no.1 are ordered to be brought on record.

Amended memo of parties be filed within two weeks."

Accordingly, cause title has been amended.

SLP (C) No. 15987 of 2012

It is submitted that Mr. P.N. Puri, Advocate for the petitioner has on 15.09.2015 filed affidavit with proof

of service of proposed Lr. Nos. 4(i) to 4(iv) of deceased Respondent No. 4 namely Surta. Hence, service of Notice of Motion in respect of all the proposed Lr. Nos. 4(i) to 4 (iv) is complete. Now the I.A. Nos. 3, 4, 5 and 6 viz applications for substitution of deceased Respondent No. 4, for condonation of delay in filing the substitution applications, for setting aside abatement and for exemption from filing official translation are noted for Chamber Pool.

SLP (C) No. 15990 of 2012

It is submitted that pursuant to the aforesaid order. Mr. P.N.Puri, Advocate has not filed affidavit of service so far in respect of respondent Nos. 1 & 3, however he has already filed copy of proof of service.

It is further submitted that Mrs. Santosh Singh, Advocate has filed Vakalatnama & Memo of Appearance on behalf of Respondent Nos. 2, 4-11 but has not filed Counter Affidavit on behalf of them so far.

SLP (C) No. 18079 OF 2013

It is submitted that Mr. Santosh Singh, Advocate for the sole respondent has on 12.05.2015 filed counter affidavit on his behalf. Copies of the same are included in the SLP paper books.

Service of show cause notice is complete.

The matters are listed before the Ld. Registrar's Court with this office report.

Dated this the 30th day of November, 2015.

ASSISTANT REGISTRAR

Copy to: Mr. P.N. Puri, Advocate.
Mrs. Santosh Singh, Advocate.
Mr. Kamal Mohan Gupta, Advocate.
Mr. Balbir Singh Gupta, Advocate.

ASSISTANT REGISTRAR