

SECTION IV B Listed on. 03.07.2015
Court No.R1
IN THE SUPREME COURT OF INDIA Item No.13
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NOS. 20964/12,
32932-32933/2012, 37104-37106/2012, 9855-57/2013,
10889-10890/2013, 5938-5939/2014 AND 37086-37092/2012.
WITH PRAYER FOR INTERIM RELIEF

Union Of India & Anr. Etc. Etc. Petitioner(s)

Versus

Yoginder Lal & Ors. Etc. Etc. Respondent(s)

OFFICE REPORT

The matters above mentioned were listed before the
Ld. Registrar's Court on 24.03.2015, when the following
order was passed:-

"SLP (C) No. 20964/2012

Common application for substitution of
legal representatives of deceased respondent
nos. 11, 12 and 18 was filed. Same is
defective. Petitioner/applicant to cure the
defects.

SLP (C) No. 32932-33/2012

An application for condonation of delay
in filing an application to bring on record
the legal representatives of deceased
respondent nos. 2 to 7 in SLP (C) No.
32932/2012 has been filed. However, proper
application for substitution has not been
filed and the former application stands
defective. Defects need to be cured.
Petitioner to file proper application for
substitution to bring on record the legal
representatives of deceased respondent Nos. 2
to 7 two weeks. Registry thereafter to
process the application accordingly.

Ld.counsel for the petitioner to file
the application for substitution to bring on
record the legal representatives of deceased
respondent No. 3 in SLP (C) No. 32933/2012.

SLP (C) No. 37104-106/2012

Petitioner has filed the proof of
service of notice of motion for the proposed
legal representatives of deceased respondent
no. 1 in SLP (C) No. 37104-105/2012. Registry
to process to list the application before the
Hon'ble Judge in Chambers.

SLP (C) No. 10889-10890/2013

With respect to respondent no.7, petitioner has to furnish the correct address.

Service report with respect of respondent Nos. 2 to 6 and 8 in SLP (C) No. 10889/2013 and respondent Nos. 1 to 4 and 6 to 11 in SLP (C) No. 10890/2013 has been received from the respective Civil Court. However, none has entered appearance.

An application for substitution of legal representatives of deceased respondent no.1 in SLP (C) No. 10889/2013 and respondent no.5 in SLP (C) No. 10890/2013 though has been filed but the same is defective. Applicant to cure the defects within two weeks.

SLP (C) No. 5938-5939/2014

Service of respondent nos.1 and 2 is complete but none has entered appearance.

SLP (C) No. 37086-92/2012

Service of respondent nos. 5, 8 to 10, 12, 13 in SLP (C) No. 37086/2012, of three respondents in SLP (C) No. 38087/2012, respondent nos. 2 and 3 in SLP (C) No. 37088/2012, of respondent nos. 4 and 5 in SLP (C) No. 37089/2012, of respondent nos. 1 to 6 in SLP (C) No. 37090/2012, of respondent nos. 1, 6 and 7 in SLP (C) No. 37091/2012, of respondent nos. 1 and 3 to 5 in SLP (C) No. 37092/2012 is complete but none has entered appearance.

Petitioner to take steps for substitution of the legal representatives of deceased respondent nos. 6, 7 and 11 in SLP (C) No. 37086/2012, of respondent no. 1 in SLP (C) No. 38088-89/2012, of respondent no. 2 in SLP (C) No. 37091-92/2012.

List again on 03.07.2015."

SLP (C) No. 20964/2012

Service position in respect of each respondent is as under :-

SLP No.	Total RRs.	AD Cards Reced.	Thr. Trial Court	Deceased Respondents	V/A	C/A	Remarks
20964	29	1,3-10, 13-17, 19-28	2,29	11,12,18	-	-	Common application for substitution is not in order.

It is submitted that counsel for the petitioner has on 12.2.2014 filed common application for substitution of Lrs. of deceased respondent nos. 11, 12 & 18. As mentioned in the application for substitution and as appears from the certified copy of memo of parties before the High Court, Lrs. of respondent No. 18 were already impleaded as respondent Nos. 19 to 28 before the High Court. But at the time of filing SLP, the counsel for the petitioner has neither deleted respondent No. 18 nor arrayed respondents as per amended memo of parties. Due to this application for substitution of respondent No. 18 filed by counsel for petitioners does not seem to be in order. The counsel has not taken appropriate steps to cure the application so far.

Service is not complete.

SLP (C) Nos. 32932-32933/2012

It is submitted that counsel for the petitioner has filed an application for condonation of delay to bring Lrs. On record of deceased respondent Nos. 2 to 7 in SLP (C) No. 32932/2012 but he has not filed proper substitution application. Letter has been sent to Advocate on 5.12.2014 but he has not cured the defects so far.

It is further submitted that Counsel for the petitioner has not filed application to bring Lrs. on record of deceased respondent No. 3 in SLP (C) Nos. 32932/2012 so far.

It is further submitted that counsel for the petitioner has on 10.03.2015 filed application for condonation of delay in filing substitution application for respondent no. 2 to 7 in SLP (C) No. 32932 of 2012 but the same is still defective.

Service of show cause notice is not complete on respondent Nos. 2 to 7 in SLP (C) No. 32932/2012 and respondent No. 3 in SLP (C) No. 32933/2012 as proper

substitution application has not been filed so far.

SLP (C) Nos. 37104-37106/2012

The matter above mentioned was listed before the Hon'ble Court (In Chamber) on 13.04.2015, when the Court was pleased to pass the following order :-

"I.A. Nos.7-8 and 9-10 of 2015:-

By these applications, the legal representatives of deceased Respondent viz. Thuru Ram in SLP (C) No. 37104 of 2012 and Giano @ Gian Chand in SLP (C) No. 37105 of 2012 are sought to be brought on record. There is delay of 1758 and 3115 days respectively in preferring the applications.

I.A. Nos.11-12 of 2015:- "

By these applications, setting aside the abatement on account of death of Mr. Thuru Ram in SLP (C) No. 37104 of 2012 and Giano @ Gian Chand in SLP (C) No. 37105 of 2012 is prayed for.

Let notice be issued on these applications, returnable in six weeks."

Accordingly, show cause notice was issued to the proposed Lrs. of deceased repondent viz. Thuru Ram in SLP (C) No. 37104 of 2012 and Giano @ Gian Chand in SLP (C) No. 37105 of 2012 and service report is still awaited.

Service position of the each matter is as under :

SLP No.	Total RRs.	AD Card/Dasti	V/A	Neither AD nor V/A	Remarks
37104/12	2	2	-	1(Dead)	Incomplete
37105/12	2(R.2 is common)	2	-	1(Dead)	Incomplete
37106/12	2(R.2 is common)	1-2(No one entered appearance)	-	-	Complete

SLP (C) No. 9855-57/2013

It is submitted that pursuant to Ld. Registrar Court's order dated 01.07.2013 all the respondents are served through trial court but there is no appearance on

their behalf.

Service of show cause notice is complete.

SLP (C) Nos. 10889-10890/2013

Service position is as under :-

SLP (C) No.	Total RRs.	Served Thr. Civil Judge	U/S	Remarks
10889/13	8	2-6 & 8	1(dead),7	Incomplete
10890/13	11	1-4, 6-11	5(dead)	Incomplete

It is submitted that in respect of unserved respondent No. 7 in SLP (C) No. 10889/13 has not filed the correct address of respondent no. 7. Hence, fresh show cause notice could not be issued to respondent no.7

It is further submitted that counsel for the petitioner has cured the defects in the application for substitution in respect of Respondent No. 1 in SLP (C) No. 10889/2013 and respondent No. 5 in SLP (C) No. 10890/2013. Counsel has also filed application for condonation of delay in filing substitution, application for setting aside abatement and application for exemption from filing Official Translation. Same are Regd. as I.A. Nos. 5-6, 7-8, 9-10, 11-12. Notice of Motion for effecting the service on LR's. has been issued. Service is awaited.

Service of show cause notice is not complete on respondent no. 7 in SLP (C) No. 10889/2013.

SLP (C) NOS. 5938-5939/2014

It is submitted that counsel for the petitioner has not taken fresh steps for issuance of show cause notice to respondent no.1 till date. However, Counsel for the Petitioner has on 6.1.2015 filed affidavit alongwith proof of dasti service which reveals that service has been effected on only on respondent no.2 and in respect of respondent no.1 it is stated that respondent no.1 is not residing at given address. But Dasti show cause

notice was never been issued to counsel for the petitioner. Respondent no.2 is served through Registered A.D. post also.

Service of show cause notice is not complete on respondent no.1.

SLP (C) No. 37086-92/2012

It is submitted that fresh show cause notice was issued to unserved respondents by Regd. A.D.Post as well as concerned Trial Court on 13.09.2013.

Service position of the each matter is as under:

SLP (C) No.	Total Resp.	A.D. card or served through Trial Court	V/A	Neither A.D. card nor unserved	Remarks
37086/12	13	5,8-10 & 12-13	1-4	-	Incomplete (Respondent nos. 6-7 & 11 are dead)
37087/12	3 (RRs- 2 & 3 are common)	1-3	-	-	Complete
37088/12	3 (RRs 2-3 are common)	2-3	-	-	Incomplete (R-1 is dead)
37089/12	5 (R-2 & R-3 are common)	4-5	2-3	-	Incomplete (R-1 is Dead)
37090/12	6 (RRs 5-6 are common)	1-6	-	-	Complete
37091/12	7 RRs nos. 6-7 are common)	1,6-7	3-5	-	Incomplete (R-2 is Dead)
37092/12	5 (RRs 4-5 are common)	1, 3-5	-	-	Incomplete (R-2 is Dead.)

It is submitted that counsel for the petitioner has not filed any application for substitution of any of the

deceased respondents so far.

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

Dated this the 02nd day of July, 2015.

ASSISTANT REGISTRAR

Copy to:-Mr. B.V. Balram Dass, Adv.
Mrs. Anil Katiyar, Adv.
Mr. Y.P. Dhingra, Adv.

ASSISTANT REGISTRAR

YKS/Mty