Listed on. 26.03.2014
Ld. Registrar' Court No. 02
Item No. 69

SECTION XII
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 137 OF 2010

E.S.Ganapathy ...Appellant

versus

N. M. Essake Rajasekar and Ors. ...Respondents

OFFICE REPORT

The office report on default dated 13th June, 2013 in the matter above-mentioned was listed before the Hon'ble Judges in Chamber on 16th September, 2013 when His Lordship was pleased to pass the following order:-

"By way of last opportunity, four weeks' time is granted to respondent Nos. 1 and 3 to file the statement of Case. NO further extension will be granted. In case the statement of case is not filed within the said period the consequences under the Supreme Court Rules will follow "

It is submitted that there are three Respondents. Respondent Nos. 1 and 3 are represented through Mr. Anagha S. Desai, Advocate. Respondent No. 2 has been served with the notice at Special Leave Petition stage but no one has entered appearance so far.

Service of notice is complete.

Original record has been received from the High Court in this Registry and the same are available for the reference of the Hon'ble Court.

It is further submitted that Counsel for the appellant has on 12th July, 2012 filed statement of cause but counsel for the Respondent Nos. 1 And 3 has not filed statement of cases in terms of Order XV, Rule 35 (1)of the Supreme Court Rules, 1966 so far.

...2/-

It is humbly submitted that Order XV Rule 39 of SCR, 1966 says that where a Respondent fails to lodge the statement of case within the time prescribed, the appeal shall, subject to the provision contained in the proviso to sub-rule (2) of Rule 35, be set down exparte against Respondent in defeat.

The matters above-mentioned are listed before the Ld. Registrar's court for pre-final hearing with this office report.

Dated this the, 11th day of November, 2013.

ASSISTANT REGISTRAR

Copy to:- Mr. Nikhil Nayyar, Advocate
Ms. Anagha S. Desai, Advocate

PA ASSISTANT REGISTRAR