

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

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 28574 AND 28575 OF 2008  
WITH PRAYER FOR INTERIM RELIEF

GHANSHYAM SHRIPAT TITARMARE(D)THR. LR. ...PETITIONER

-VERSUS-

SHYAMRAO SHRIPAT TITARMARE (D) & ORS. ETC. ...RESPONDENTS

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 10<sup>th</sup> November, 2008, when the Court was pleased to pass the following order :-

“Delay condoned.

Let notice issue on both the Special Leave Petitions.

In the meantime, there will be stay of the execution of the judgment and decree of the lower appellate court.”

Thereafter, the matters above mentioned were lastly listed before the Hon'ble Court on 27<sup>th</sup> August, 2012, when the Court was pleased to pass the following order:-

“Appearing on behalf of the respondent Nos.1 and 2, who have circulated the letter, learned counsel submits that the respondent No.1 has since died. Let this matter be adjourned for a period of six weeks, to enable the learned counsel for the remaining respondents to inform the learned Advocate for the petitioner of the death of the respondent No.1, in order to enable him to take appropriate steps in the matter.”

SLP(C) NO. 28574 OF 2008

The matter above mentioned was listed before the Hon'ble Judge in Chamber on 11<sup>th</sup> July, 2012, when the Court was pleased to pass the following order :-

“Perused the office report, which reveals that notice has not been served upon respondent Nos. 4 and 5.

Issue fresh notice to the unserved respondents, returnable on 27.08.2012. Dasti, in addition, is permitted.

If the petitioners fail to serve respondent Nos.4 and 5 on or before 27.08.2012, the special leave petition shall stand dismissed qua the unserved respondents and interim order dated 10.11.2008 shall stand automatically vacated in its entirety.”

...2/-

It is submitted for the information of the Hon'ble Court that there are five respondents in the instant matter. Respondent No.1 viz. Shyamrao Titarmare has expired but counsel for the petitioner has not filed an application for substitution to bring on record the Lrs. of deceased respondent No.1 so far. Respondent No.2 is represented by Ms. Anagha S. Desai, Advocate but no counter affidavit has been filed so far. A.D. card has been received from respondent No.3 but no one has entered appearance on behalf of the said respondent so far. SLP has been updated as dismissed qua respondent Nos. 4 & 5 in the instant SLP and the said respondents are also Respondent Nos. 8 and 9 in the SLP(C) No. 28575 of 2008 and as per affidavit of dasti service and proof filed on 03<sup>rd</sup> July, 2013 by the Counsel for the petitioner which has been filed beyond the time granted by the Hon'ble Judge in Chamber vide Order dated 11<sup>th</sup> July, 2012 it has been stated that Respondent No. 4 viz. Bhagiratha bai has expired

Service of notice is not complete on respondent No.1, being expired but no application for substitution has been filed so far.

SLP(C) NO. 28575 OF 2008

It is submitted for the information of the Hon'ble Court that there are nine respondents in this matter. Respondent Nos. 1 viz. Zibabai Gadhawe, Respondent No. 4 viz. Wanchalabai Nagalwade, Respondent No. 6 viz. Govind Titarmare, Respondent No. 7 viz. Shyam Rao Titarmare and Respondent No. 8 viz. Bhagirathabai Titarmare have expired as per affidavit of dasti service and proof but counsel for the petitioner has not filed an application for substitution to bring on record the Lrs. of the said deceased Respondents so far. Respondent Nos. 2 and 3 have been served with notice but no one has entered appearance on their behalf so far.. Respondent No.5 in the instant SLP is also respondent No. 2 in the SLP (C) No. 28574 of 2008 in which the said respondent is represented by Ms. Anagha S. Desai, Advocate but no counter affidavit has been filed so far. Respondent No. 7 viz. Shyamrao Titarmare in the instant SLP is also respondent No.1 in the SLP (C) No. 28574 of 2008 who has expired but counsel for the petitioner has not filed an application for substitution to bring on record the Lrs. of deceased respondent No.1 so far. Respondent No. 8 has expired but no application for substitution has been filed so far. Respondent No. 9 has been served as as per affidavit of dasti service and proof but no one has entered appearance on behalf of Respondent No. 9 so far. The said respondent Nos. 8 & 9 in the instant SLP are also respondent Nos. 4 & 5 in the SLP (C) No. 28574 of 2008 in which SLP has been updated as dismissed qua said respondent Nos. 4 and 5.

Service of notice is not complete on respondent No., 1, 4, 6, 7 and 8 in SLP (C) No. 28575 of 2008, being expired but no application for substitution has been filed so far.

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

Dated this the 19<sup>th</sup> day of July, 2014.

ASSISTANT REGISTRAR

Copy to:-

Mr. Abhijat P. Medh, Advocate

Ms. Anagha S. Desai, Advocate

ASSISTANT REGISTRAR

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