

SECTION IV B

Listed on. 20.09.2013

Court 10

IN THE SUPREME COURT OF INDIA Item No. 32
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 20981 OF 2008.

WITH PRAYER FOR INTERIM RELIEF

NATIONAL INSURANCE CO. LTD.Petitioner(s)

Versus

ELTAHIR A.M. ALI & ORS.Respondent(s)

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 18.08.2008, when the Court was pleased to pass the following order:-

" Delay condoned.

Issue notice.

Learned counsel appearing for the petitioner undertakes to deposit the award amount in the Registry within four weeks from today. The amount, so deposited, shall be invested in a fixed deposit in a nationalised bank initially for a period of six months and may be kept renewed from time to time until further orders.

On deposit of the said amount, there shall be ad-interim stay of the impugned judgment passed by the High Court."

Accordantly, show cause notice was issued by registered A. D. Post on 19.06.2009. Respondent Nos. 1 and 2 has been served through Publication in terms of Ld. Registrar Order dated 24.06.2013. Counsel for the Petitioner has filed affidavit with proof of service of Publication. No one has entered appearance on behalf of respondent nos. 1 and 2 so far. Mr. Sharad K. Singhanian, Advocate has filed Vakalatnama & Memo of Appearance and Counter Affidavit on behalf of respondent no. 3. Copy of the counter affidavit has been included in the paper books. Respondent No. 4 had expired and his Lrs. have been brought on record vide Hon'ble Chamber Judge order dated 29.07.2013.

Service of show cause notice is complete.

The matter above mentioned was listed before the Ld. Registrar Court on 13.08.2013, when the following order was passed:

" Respondent Nos. 1 & 2 have been served by publication. Proof of publication is filed. No appearance of respondent Nos. 1 & 2. Respondent No.3 has already filed counter affidavit. Service is complete. List the matter before the Hon'ble Court as per rules."

It is further submitted that pursuant to Hon'ble Courts order dated 18.08.2008 and Chamber Judge order dated 08.05.2009 an amount of Rs. 4,66,562/- was invested in fixed deposit for a period of six months w.e.f 01.06.2009 with Allahabad Bank w.ef 01.06.2009. Thereafter pursuant to Learned Registrar Orders dated 29.10.2009, 23.11.2009, 11.05.2010, 03.02.2010, 03.06.2011, 02.12.2011 and lastly on 06.12.2012 the amount of Rs. 5,90,589/- inclusive of interest has been reinvested in FDR with the UCO Bank as FDR no. 02070310154182 dated 02.01.2013 for a further period of one year w.ef. 02.01.2013, which now bears maturity on 02.01.2014.

It is further submitted that Mr. Sarad Singhania, Advocate has on 18.09.2013 filed Vakalatnama & Memo of Appearance on behalf of Lrs. Nos. 4(i), 4(iii), 4(iv) and 4(v) and has filed reply counter affidavit. Copy of the Counter Affidavit is being circulated before the Hon'ble Court. Lr. No. 4(vi) is already respondent no. 3 and represented through Mr. Sarad Singhania, Advocate.

The matter is, therefore, listed before the Hon'ble Court with this office report.

Dated this the 19th day of September ,2013.

ASSISTANT REGISTRAR

Copy to :- Mr. M. K. Dua, Adv.

Mr. Sharad K. Singhania, Adv.

ASSISTANT REGISTRAR