

SECTION XVII

MATTER FOR : 28.04.2016
COURT NO.
ITEM NO.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5861 OF 2008
WITH
CIVIL APPEAL NO. 555 OF 2009

Dr. Sanjeev Madan ...Appellant

VERSUS

Prem Chand Goel(D) Tr. Lr. & Anr. ...Respondents

OFFICE REPORT FOR PRE-FINAL HEARING

CIVIL APPEAL NO. 5861 OF 2008

The matter above mentioned was listed before the Hon'ble Court on 22nd September, 2008 when the Court was pleased to pass the following order:

**"Exemption allowed.
Delay condoned.
Issue notice.
Until further orders, operation of the impugned
order shall remain stayed."**

Accordingly, show cause notice was issued to both the respondents . Respondent Nos. 1 and 2 are represented through Mr. U.S. Prasad and Mr. D.K. Sharma, Advocates respectively but no one has filed counter affidavit on their behalf so far. Service of show cause notice is complete.

It is further submitted that Civil Appeal was dismissed vide Court's Order dated 20.01.2011 and Mr. S.K. Sabharwal, Counsel for the Appellant has on 12.03.2012 filed an application for restoration along with application for condonation of delay which have been registered as Interlocutory Application Nos. 4 and 5 and were lastly listed before the Hon'ble Chamber Judge on 04.08.2014, when the following Order was passed:

"By order dated 30.10.2012, notice was issued to the respondents both on the application for restoration of Civil Appeal No 5861/2008 as well as on the application for condonation of delay in filing application for restoration.

Despite service of notice, none appears for respondent no. 1.

Learned counsel for respondent No. 2 states that he has no objection to the said interlocutory applications in case they are allowed.

For the reasons stated in I.A. Nos. 4 and 5 of 2012, the said applications are allowed. The order dated 20.01.2011, dismissing Civil Appeal No. 5861/2008 is recalled and the same is restored to its original number.

List this appeal in due course before the regular Bench."

It is further submitted that Counsel for the Appellant has not filed statement of case so far.

It is further submitted that original record has been returned vide Registry's circular dated 04.12.2014.

5861
CIVIL APPEAL NO. 555 OF 2009

The matter above mentioned was listed before the Hon'ble Court on 27th January, 2009 when the Court was pleased to pass the following order:

"Delay condoned.

Issue notice.

Tag the appeal with Civil Appeal No. 5861 of 2008."

It is submitted that there are two respondents in the matter. Accordingly, show cause notice was issued to both the respondents through registered A.D. Post. Respondent No. 1 is represented through Mr. S.K. Sabharwal, Advocate but has not filed counter affidavit so far. Respondent No. 2 is served through courier receipts but no one has entered appearance so far.

It is further submitted that Mr. S.K. Sabharwal, Counsel for respondent No. 1 has expired and notice for alternative arrangement was issued on 27.07.2015 to respondent No. 1 through registered A.D. Post. A.D. card duly signed has been received but no one has entered appearance on behalf of respondent No. 1 so far. Service of notice in the matter is complete.

The matters above-mentioned are listed before the Id. Registrar Court with this Office Report.

Dated this the 26th day of April, 2016.

ASSISTANT REGISTRAR

Copy to: Mr. Bhaskar Y. Kulkarni, Advocate

ASSISTANT REGISTRAR