

SECTION : XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 16

(Application for directions in CA No. 5838/2012)

WITH

CIVIL APPEAL NO. 5838/2012, 5839/2012 AND SLP(C) NO. 3202/2014

AND

INTERLOCUTORY APPLICATION NO. 14

(Application for Vacation/modification of the Court's Order dated 09.08.2012 in
CA No. 5838/2012)

AND

INTERLOCUTORY APPLICATION NO. 15 & 17

(Application for permission to file additional documents in CA No. 5838/2012)

AND

K. K. Sharma Etc.

... Appellants

Versus

High Court of Delhi & Ors.

... Respondents

OFFICE REPORT

It is submitted that the applications in C.A. No. 5838/2012 were listed before the Hon'ble Court on 14.08.2014, when the Court was pleased to pass the following order:-

"I.A. NO.16 C.A. NO.5838 OF 2012

Issue notice.

Mr. Gautam Narayan, learned counsel accepts notice on behalf of the appellants- non-applicants.

List the I.A. on 9th September, 2014 on the top of the list.

It is made clear that, on the said date, the Court may proceed to dispose of the appeal itself."

It is further submitted that notice on I.A. No. 16 (Application for directions) was issued to the appellants and respondent Nos. 1 & 7 on 25.08.2014 through their respective advocates and Mr. Gautam Narayan, Advocate for the appellant has on 03.09.2014 filed reply to the aforesaid application and the same has been included in I.A. paper books.

It is further submitted that Mr. Gautam Narayan, Advocate for the appellant has on 03.09.2014 filed rejoinder affidavit to the counter affidavit filed on behalf of respondent Nos. 2 to 6, 8 & 9

alongwith annexures P-24 to P-27 with application for permission to file additional documents (regd. as I.A. No. 17) and the same has been placed with appeal paper books as separate volume.

It is further submitted that Ms. C. K. Sucharita, Advocate for respondent No. 1 has on 05.09.2014 filed affidavit to place on record the salient facts in the appeal and the same has been placed with appeal paper books.

Service position of each matter is as under:-

C.A. NO. 5838/2012

It is submitted that there are 9 respondents in this appeal. Service of notice of lodgment of petition of appeal is complete on all the respondents. Respondent No. 1 is represented by Ms. C. K. Sucharita, Advocate. Respondent Nos. 2 to 6, 8 and 9 are represented by Mr. Gagan Gupta, Advocate and respondent No. 7 is represented by Mr. S. Vijay Kumar, Advocate. Respondent Nos. 10 to 167 have been deleted from the array of parties at the risk of the petitioner vide this Court's order dated 09.08.2012 and cause title has been amended in the appeal paper books.

The civil appeal alongwith applications above mentioned was listed before the Hon'ble Court on 29.11.2012 alongwith connected appeal with office report dated 26.11.2012, when the Court was pleased to pass the following order:-

“Ms. C.K. Sucharita, learned counsel for respondent No.1 prays for time for filing counter-affidavit.

Same may be filed within ten weeks.

Rejoinder-affidavit, if any, may be filed by the appellants within four weeks thereafter.

List both the matters after four months.”

It is submitted that despite the aforesaid order counsel appearing for the respondent No. 1 has not filed Counter affidavit so far, hence no rejoinder affidavit filed. Counsel for respondent Nos. 2 to 6, 8 & 9 and respondent No. 7 has already filed counter affidavit and the same have been included in appeal paper books.

It is further submitted that counsel for the appellant and respondent Nos. 2 to 6, 8 & 9 and respondent No. 7 has already filed

statement of case and the same has been included in appeal paper books. For non-filing of statement of case by counsel appearing for respondent No. 1 in Civil Appeal No. 5838/2012 and counsel for the parties in connected appeal No. 5839/2012, office report on default was listed before the Hon'ble Judge in Chambers on 04.08.2014 when His Lordship was pleased to pass the following order:-

“Since Respondent No.1 in C.A. No.5838 of 2012 and both parties in C.A. No.5839 of 2012 have not filed their respective statement of case so far, their right to file the same is forfeited.

Let the pending I.A. No.14/2012 for vacation/modification of this Court's order dated 09.08.2012, I.A. No.15/2013 for filing the additional documents and I.A. No.16/2014 for direction to respondent no.1 to implement this Court's order dated 20.09.2012, filed in CA No.5838 of 2012 by respondent nos.2 to 6, 8 and 9, be listed for consideration next week before the Regular Bench.

In the meanwhile, copies of the aforesaid Interlocutory Applications be served upon Respondent No.1 in C.A. No.5838 of 2012.”

C.A. NO. 5839/2012:-

It is submitted that there are 9 respondents in this appeal. Service of notice of lodgment of petition of appeal is complete on all the respondents. Respondent Nos. 1 to 5, 7 & 8 are represented by Mr. Gagan Gupta, Advocate and respondent No. 9 is represented by Mrs. C. K. Sucharita, Advocate. No one has entered appearance on behalf of respondent No. 6 so far though served. Counsel appearing for respondent Nos. 1 to 5, 7 and 8 have already filed counter affidavit and the same has been included in appeal paper books. Counsel appearing for the respondent No. 9 has not filed Counter affidavit so far, hence no rejoinder affidavit.

It is further submitted that Ms. C. K. Sucharita, Advocate for respondent No. 9 has on 05.09.2014 filed affidavit to place on record the salient facts in the appeal and the same has been placed with appeal paper books.

SLP(C) No. 3202/2014:-

It is submitted that in connected SLP(C) No. 3202/2014

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notice to respondent Nos. 1 and 2 was issued on 26.02.2014 vide Hon'ble Court's order dated 17.02.2014. Mrs. C.K. Sucharita and Gagan Gupta, Advocate have filed vakalatnama/appearance on behalf of respondent Nos. 1 and 2. Counter affidavit and statement of case has been filed on behalf of respondent No. 2 and the same has been included in SLP paper books.

It is further submitted that counsel appearing for respondent No. 1 has on 05.09.2014 filed affidavit to place on record the salient facts in the above SLP and the same is being circulated herewith.

Common Original Record has been received from the concerned High Court in both the appeals and is available with the Registry for reference of this Hon'ble Court.

The application alongwith matters above mentioned are listed before the Hon'ble Court with this Office Report.

DATED THIS, THE 8th day of September, 2014.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. Gautam Narayan, Adv.
2. Mr. Gagan Gupta, Adv.
3. Mr. B. Vijay Kumar, Adv.
4. Mrs. C. K. Sucharita, Adv.
5. Mr. Saurabh Mishra, Adv.

ASSISTANT REGISTRAR

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