

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

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

**WITH**

**INTERLOCUTORY APPLICATION NO. 14**

(Application for Vacation/modification of the Court's Order dated 09.08.2012)

**AND**

**INTERLOCUTORY APPLICATION NO. 15**

(Application for permission to file additional documents)

**AND**

**INTERLOCUTORY APPLICATION NO. 16**

(Application for directions )

K. K. Sharma Etc.

... Appellants

**Versus**

High Court of Delhi & Ors.

... Respondents

**OFFICE REPORT**

**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 Mrs. 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.”**

..2..

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.”**

As directed above, I.A. Nos. 14, 15 & 16 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 9<sup>th</sup> 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.”**

..3/-

It is further submitted that notice on I.A. No. 16 (Application for directions) was issued to appellants and respondent Nos. 1 & 7 on 25.08.2014 through their respective advocates but no reply have been filed so far.

**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.

**SLP(C) No. 3202/2014:-**

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

Original records have been received from the concerned High Court in both the matters and are available with the Registry for reference of this Hon'ble Court.

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

DATED THIS, THE 3<sup>rd</sup> 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**