

SECTION IV B                      Listed on.31.03.2017  
Court No. 10  
IN THE SUPREME COURT OF INDIA    Item No. 3  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL)NO. 26798 OF 2011

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NOS.1-5

(Application for permission to file SLP)

AND

INTERLOCUTORY APPLICATION NO.6

(Application for substitution of the LRs. of deceased Petitioner Nos. 1 and 2 and Respondent No. 1)

AND

INTERLOCUTORY APPLICATION NO.7

(Application for condonation of delay in filing substitution application)

AND

INTERLOCUTORY APPLICATION NO.8

(Application for condonation of delay in filing SLP)

AND

INTERLOCUTORY APPLICATION NO.9

(Application for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION NO.11

(Application for stay)

AND

INTERLOCUTORY APPLICATION NO. 12

(Applications for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION NO. 13

(Applications for substitution of deceased petitioner No.2(i) namely Nirmal Singh)

AND

INTERLOCUTORY APPLICATION NO.14

(Application for condonation of delay in filing substitution application)

IN

Gurnam Singh (D) Thr. Lrs. & Ors.                      ....Petitioner(s)

Versus

Gurbachan Kaur (D) by Lrs.                                      ....Respondent(s)

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 02.09.2011, when the Court was pleased

to pass the following order :-

" Issue notice on the application for condonation of delay in filing substitution application, application for substitution, application for condonation of delay in filing SLP and permission to file SLP."

Accordingly, show cause notice by Regd. A.D. Post was issued on 17.11.2011. Mr. Subhashish Bhowmick, Advocate has on filed Vakalatnama\Memo of Appearance and Counter Affidavit on behalf of Respondent Nos. 1(i)-(ii). Copy of counter affidavit has been included in the apper books. Respondent No. 1(iii) Rajbir Singh has issued special Power of Attorney in favour of Respondent No.1(ii) Sukhjinder Singh. Respondent Nos. 2 and 3 have been deleted from the array of parties vide Hon'ble Court's (In Chamber) order dated 23.01.2013. Cause Title has been amended in the paper books.

Service of show cause notice is complete.

It is further submitted that counsel for the petitioner has also filed an application for substitution of Lrs. of deceased petitioner No. 1, namely, Gurnam Singh and petitioner No. 2, namely, Joginder Singh and Respondent No. 1, namely, Smt. Gurbachan Kaur which are barred by time by 3299, 3798, 6200 days respectively and an application for condonation of delay in filing substitution application has also been filed at the time of filing SLP. Copy of the same already included in the paper books.

However, counsel for the petitioner had filed an application for stay and application for permission to file additional documents. The same was registered as I.A. Nos. 11 & 12 and listed before the Hon'ble Court on 20.02.2015, 09.03.2015 and 13.04.2015, when the Court was pleased to pass the following orders:-

"Order dated 20.02.2015

One week's time is granted for filing reply to the application for stay.

Order dated 09.03.2015

Four weeks' time is granted for filing objections to the application(s).

List thereafter.

Order dated 13.04.2015

There shall be stay of further proceedings in Execution Application No.195 of 2011 pending in the Court of Additional Civil Judge, Senior Division, Amritsar.

List for hearing on a non-miscellaneous day."

It is submitted that counsel for the respondent has filed reply by way of affidavit to the application for stay filed by the petitioner with the permission of the Hon'ble Court. Copy of the same has already been included in the paper books.

It is submitted that Mr. Dinkar Kalra, counsel for the petitioner has on 28.03.2016 filed an applications for substitution to bring on record LRs. of deceased petitioner No.2(i) namely Nirmal Singh and condonation of delay in filing substitution application. Counsel has filed Vakalatnama and Memo of Appearance on behalf of all proposed Lrs. of deceased petitioner. There is a delay of 162 days in filing substitution application. The same are registered as I.A. Nos. 13 and 14. Copies of the same have been included in the paper books.

The matter above mentioned along with applications are, therefore, listed before the Hon'ble Court with this office report.

Dated this the 29th day of March, 2017.

ASSISTANT REGISTRAR

Copy to:-Mr. Dinkar Kalra, Adv.

Mr. Subhasish Bhowmick, Adv.

ASSISTANT REGISTRAR