

SECTION XVI

**LISTED ON: 6.10.2015
COURT NO.: 13 (Chamber)
ITEM NO. : 32**

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 26913 of 2012
(With prayer for interim-relief)**

MUKESH KUMAR SINGH & ORS. ...Petitioner(s)

Versus

PRADEEP KUMAR SINGH & ORS. ...Respondent(s)

OFFICE REPORT

The matter above-mentioned was listed before the Id. registrar's Court on 3.09.2012 when he was pleased to pass the following order:-

***"Delay condoned.
Issue notice returnable in ten weeks.
Dasti, in addition to the ordinary process,
is permitted."***

Accordingly show-cause notice returnable was issued to all 36 respondents by registered AD post as well as dasti. Mr. Kunal Verma, advocate has filed Vakalatnama on behalf of respondent Nos. 1 and 2 as Mr. M.P Jha, earlier Counsel for the respondent has dead. AD card duly signed have been received back from respondent Nos. 4, 6, 8 to 10, 15-16, 21-24, 26-27, 29 to 36 but no one has entered appearance, so far and unserved cover containing notice in respect of respondent No.19 has been received back with remarks "Refused to accept". The name of respondent Nos. 3, 5, 7, 11 to 14, 17, 18 and 28 have been deleted from the array of parties in view of Hon'ble Judge-in-chamber's order dated 24.11.2014.

Service of remaining respondent is incomplete.

The matter above-mentioned was listed before Court of Registrar time to time and lastly on 31.07.2015 when he was pleased to pass the following order:

***"The office report is that the ld. counsel for
the petitioner has filed an application for substitution***

to bring on record the Lrs. of the deceased respondent Nos. 20 and 25 which is defective. Ld. Counsel has not cured the defects in spite of two opportunities granted. Viewed thus, the matter shall be processed for listing before the Hon'ble judge-in-chambers for further directions. Await orders and list thereafter."

It is submitted that counsel for the petitioner has filed application for substitution to bring on record the Lrs. of the deceased respondent Nos. 20 and 25 which is still defective for following reasons:

1. There is a delay of 205 and 227 days in substitution but no I.A for condonation of delay has been filed.
2. Chamber summons have not been taken out.
3. Relation of proposed to Lrs. with deceased Respondent No.20 have not been mentioned.
4. Death Certificate in support has not been filed.
5. Clause regarding "no other Lrs." has not mentioned in the application.

In view of the Ld. Registrar's order dated 31.07.2015 the matter is listed before the Hon'ble Judge-in-chamber with this office report for directions.

Dated this the 28th day of August, 2015.

ASSISTANT REGISTRAR

Copy to: Mr. T. Mahipal, Advocate
Mr. Kunal Verma, Advocate

ASSISTANT REGISTRAR