

SECTION-IV

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCATORY APPLICATION NO. _____

(Application for substitution)

IN

CIVIL APPEAL NO. 53 OF 2008

Durjan (Dead) & Anr.

...Appellants

VERSUS

Vir Singh & Ors.

...Respondents

OFFICE REPORT ON DEFAULT

It is submitted that Mr. Akshat Shrivastava, Advocate has on 14.10.2014 filed vakalatnama and appearance on behalf of appellant after taking No objection from erstwhile Advocate Mr. Manjeet Kirpal. He has on 14.10.2014 filed an application for substitution to bring on record the Lrs. of deceased appellant no. 1 but the same was found defective for the following reasons:-

1. There is a delay of 305 days in filing the application for substitution but application for condonation of delay is not filed.
2. Copy of the application has not been served on the other side counsel.

It is further submitted that Mr. Akshat Shrivastava, counsel for the appellant has not cured the above defects despite this Registry's letter dated 28.10.2014 and upon the non curing of defects the matter was listed before the Hon'ble Judge in Chamber on 22.02.2016, when the following Order was passed:-

“According to Office Report dated 20.02.2016, the application to substitute the Lrs. of the deceased appellant No.1 is delayed by 305 days and no application for condonation of delay has been filed.

In the circumstances, learned counsel for the appellants is granted four weeks' time, by way of last chance, to rectify the defects as pointed out by the Registry in its Office Report dated 20.02.2016.”

In pursuance of above Order, instead of Mr. Akshat Shrivastava, Mr. Manjeet Kirpal, Advocate has filed application for condonation in delay in filing substitution application and proof of service of application on other side, but the same cannot be taken on record as he has not taken 'No Objection' from the Mr. Akshat Shrivastava, Advocate.

It is lastly submitted that the application for substitution is still defective, in addition of defects above mentioned, for the reason that 'Averment that there are no other Lrs. except the Lrs. mentioned in the application...' has not been given despite this Registry's letter dated 16.03.2016.

The Office Report on default in the matter above-mentioned is listed before the Hon'ble Judges in Chamber.

Dated this the 29th day of April, 2016.

-sd/-

ASSISTANT REGISTRAR

Copy to:

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