

ITEM NO.92

REGISTRAR COURT. 2

SECTION XIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

BEFORE THE REGISTRAR M K HANJURA

Civil Appeal No(s). 1878/2010

KERALA STATE ROAD TRANSPORT CORP.

Appellant(s)

VERSUS

A.SAINULABDIN

Respondent(s)

(with interim relief and office report)

WITH

C.A. No. 1879/2010

(With Office Report)

Date : 25/09/2014 These appeals were called on for hearing today.

For Appellant(s)

Mr. Radha Shyam Jena,Adv.

For Respondent(s)

Mr. Rameshwar Prasad Goyal,Adv.

Mr. Prasanth P.,Adv.

UPON hearing the counsel the Court made the following
O R D E R

C.A. No. 1878/2010

What gets revealed from the perusal of the office report is that although by Order dated 5.8.2013 of the Hon'ble Judge in Chamber the learned counsel for the appellant was directed to file the statement of case within a period of four weeks and the respondent was directed to file the statement of case within four weeks thereafter, yet neither the appellant nor the respondent have filed the statement of case so far. Order XIX Rule 32 of the Supreme Court Rules,2013 provides that if the appellant does not file a statement of case within the time, as provided for in sub

rule (1),

it shall be presumed that the appellant has adopted the list of dates/synopsis containing chronology of events as filed at the time of presentation of petition for seeking special leave to appeal (SLP)/Appeal, as statement of case, and does not desire to file any further statement of case. The order further provides that if the respondent who has entered appearance does not file a statement of case within the time, as provided in Sub Rule(1) (i.e. 35 days) it shall be presumed that he does not desire to lodge the same. Therefore, in view of the rule position cited above no further opportunity for filing the statement of case is warranted to be given to the parties. Viewed thus, the matter shall be processed for listing before the Hon'ble Court under the rules.

C.A. No. 1879/2010

The office report is that the appellant has already filed the statement of case whereas the respondent has not filed the same although by Order dated 5.8.2013 of the Hon'ble Judge in Chamber the respondent was directed to file the Statement of Case within a period of four weeks. Order XIX Rule 32 of the Supreme Court Rules, 2013 provides that where the respondent has entered appearance and he does not file a statement of case within the time, as provided in Sub Rule(1) (i.e. 35 days) it shall be presumed that he does not desire to lodge the same. In view of the rule position cited above no further opportunity for filing the statement of case is warranted to be given to the respondent. Viewed thus, the matter shall be processed for listing before the Hon'ble Court under the rules.

(M K HANJURA)
Registrar