

LISTED ON : 17.03.2015
COURT NO.: 07
ITEM NO. : 104

SECTION XIII
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2805 OF 2006
WITH
INTERLOCUTORY APPLICATION NO.3
(Application for permission to file additional documents)
AND
INTERLOCUTORY APPLICATION NO.4
(Application for exemption from filing official translation of Annexure R-2/6)

Kishore Mohan Tripathy (D) by Lrs. ...Appellants

-VERSUS-

Anand Chandra Panda & Anr. ...Respondents

OFFICE REPORT

The matter above-mentioned was listed before the Court on 30th March, 2011 when the Hon'ble Court was pleased to pass the following Order :

“For resolving the dispute between the parties by mediation, this Court, by Order dated 14.01.2011, had referred this matter to the Supreme Court Mediation Centre and the parties were directed to appear before the mediation centre on 14.02.2011.

Office Report dated 17.03.2011 shows that a report dated 28.02.2011 had been received from the mediation centre.

The report of the Mediation Centre shows that on 14.02.2011 respondent No. 1 herein was present along with his Advocates but neither the petitioner nor his Advocate was present and hence the matter was adjourned to 28.02.2011. It further states that even on 28.02.2011, after waiting for 45 minutes, neither the petitioner nor his Advocate is present, but respondent No. 1 herein, who travelled again all the way from Orissa, was present along with his Advocates. In the circumstances, the matter has been sent back to this Court with the said Report.

However, we are of the opinion that another attempt should be made to resolve the dispute between the parties by mediation. Let the matter be again referred to the Supreme Court Mediation Centre and both the parties are directed to appear before the mediation centre on 28.04.2011 at 11 am.

List after receiving report from the mediation centre.”

Subsequently, the matter above-mentioned was again listed before the Court on 4th February 2015, when the Hon'ble Court was pleased to pass the following Order :

“In the course of the hearing of the case, it has become necessary to look into Exhibit A-7 i.e. certified copy of the decree in O.S. No.43 of 1972 filed by Lokananda Panda against the plaintiff for partition so as to determine as to whether the land involved in the said suit is the same as in the suit out of which this appeal has arisen. Learned counsel for the appellants prays for two weeks' time to obtain a certified copy of the said document and place the same before the Court. He is permitted to do so.

List the matter after two weeks.”

Subsequently, the matter above-mentioned was again listed before the Hon'ble Court on 28th February, 2015, when the Hon'ble Court was pleased to pass the following Order :

“List after two weeks to enable the appellant to obtain a certified copy of the decree in O.S. No. 43 of 1972 filed by Lokananda Panda against the plaintiff for partition.”

It is submitted to the Hon'ble Court that pursuant to the aforesaid order dated 24th February, 2015, Counsel for the Appellants has not filed any documents so far.

It is further submitted that pursuant to the Court's Order dated 30th March, 2011, the Supreme Court Mediation Centre vide its letter dated 28th / 29th March, 2012 forwarded the Report of the Advocate Mediator dated 26th March, 2012, stating therein that the Mediation has been unsuccessful. (copy of the said report is enclosed herewith).

It is further submitted that Mr. T.N. Rao, Advocate for the Respondents has since expired on 4th October, 2012. Accordingly, notice

for making alternative arrangement has been issued to both the Respondents on 15th October, 2012. Mr. Kedar Nath Tripathy and Ms. Mahalakshmi Pavani, Advocates have filed Vakalatnama and Appearance on behalf of Respondent Nos.1 and 2.

Service is complete.

It is also submitted that Ms. Mahalakshmi Pavani, Advocate for respondent no.2 has on 27th February, 2013 filed an application for permission to file additional documents i.e. Annexure R2/1 to R2/6 alongwith an application for exemption from filing official translation of Annexure R-6/-. The said applications have been registered as I.A. Nos.3 and 4 and the same are placed with the Appeal Paper-books containing page nos.1 to 44.

Original Record of High Court and Lower Court's are available for the reference of the Hon'ble Court.

The aforesaid Appeal and applications is listed before the Hon'ble Court with this office report.

Dated this the 16th day of March, 2015.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Y. Rajagopala Rao, Advocate.103, Lawyer's Chambers
2. Mr. Kedar Nath Tripathy, Advocate.G-8, South Extension-II
3. Ms. Mahalakshmi Pavani, Advocate.82, Lawyer's Chambers

ASSISTANT REGISTRAR