

**SECTION – XII**  
**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**

**INTERLOCUTORY APPLICATION NO.1**

(Appeal under Order VIII Rule 6(5) of the SCR, 2013 against the order dated 5<sup>th</sup> November, 2015 of the Registrar in Curative Petition D. No. 28873 of 2015)

IN

**CURATIVE PETITION D. NO. 28873 OF 2015**

IN

**REVIEW PETITION NO. 2833 OF 2014**

IN

**PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 28033 OF 2009**

S. Augustine Sundaraj

...Petitioner

Versus

K. P. Jain & Ors.

...Respondents

**OFFICE REPORT**

It is submitted that Mr. Rakesh K. Sharma, Advocate, has on 28<sup>th</sup> August, 2015, filed Curative Petition which was defective for the following reasons:-

1. Affidavit filed by you alongwith Curative Petition is incomplete. However Counsel has not mentioned page numbers of Annexures in the Affidavit.
2. Counsel has filed three Curative Petition Paper books and three Review Petition Paper books instead of five Paper books of each.
3. Counsel has not filed Special Leave Petition Paper books.
4. Certificate of Senior Advocate filed is not in a proper format
5. Cause Title of Special Leave Petition as well as Review Petition has not been mentioned in the Curative Petition.

It is further submitted that the Advocate for the petitioner had not cured above-mentioned defects. Hence, un-registered Curative Petition in the matter above-mentioned was placed before the Registrar on 5<sup>th</sup> November, 2015, when the Registrar passed the following order:-

“The note above is perused. The Curative Petition was filed on 28.8.2015. It was noticed having five defects as mentioned in the said note above. The defects were duly communicated vide letter dated 23.9.2015. All the defects are such which need mandatory cure.

Since the petitioner has failed to cure the same during the time granted for the purpose. The petition still remains defective and therefore is declined to be received for registration in view of Order VIII Rule 6(3) & (4) S.C.R., 2013.”

It is further submitted that Mr. Rakesh K. Sharma, Advocate, has on 20<sup>th</sup> November, 2015, filed instant application (appeal under Order VIII Rule 6(5) of the SCR, 2013 against the order of the Registrar dated 5<sup>th</sup> November, 2015). The application has been registered as Interlocutory Application No. 1.

The Application above-mentioned is circulated before the Hon'ble Judge-in-chambers with this office report.

Dated this the, 9<sup>th</sup> day of May, 2016.

ASSISTANT REGISTRAR

Copy to: Mr. Vikash Singh, Advocate

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ASSISTANT REGISTRAR