

SECTION XI
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Listed On: 22.01.2016
Court No. : 2
Item No : 37

PETITION FOR SPECIAL LEAVE TO APPEAL(CIVIL) NOS. 35582 OF 2010, 7538 OF 2011, 31978 OF 2011, 32297 OF 2011 AND 34744 OF 2011

WITH

INTERLOCUTORY APPLICATION NO. 2

(Application for impleadment as party respondent filed by Mr. Ashok Kumar Srivastava, Advocate in SLP © No. 35582/2010 and 34744/2011)

AND

INTERLOCUTORY APPLICATION NOS. 3-4

(Application for direction and Application for exemption from filing official translation in SLP © No. 35582/2010 and SLP © No. 34744/2011)

AND

INTERLOCUTORY APPLICATION NO. 3

(Application for impleadment as party respondent filed by Mr. Ashok Kumar Srivastava, Advocate in SLP © No. 7538/2011)

AND

INTERLOCUTORY APPLICATION NO. 4

(Application for direction in SLP © No. 7538/2011)

AND

INTERLOCUTORY APPLICATION NO. 4

(Application for impleadment as party respondent filed by Mr. Ashok Kumar Srivastava, Advocate in SLP © No. 31978/2011 and 32297/2011)

AND

INTERLOCUTORY APPLICATION NO. 8-9

(Application for direction alongwith application for exemption from filing official translation in SLP © No. 31978/2011)

AND

INTERLOCUTORY APPLICATION NO. 5 to 7

(Application for Substitution, application for condonation of delay in filing substitution and application for setting aside abatement in SLP © No. 31978/2011)

STATE OF U.P. & ORS. ETC.

...PETITIONERS

VERSUS

PRAHALAD KUMAR ETC. ETC.

...RESPONDENT

OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 14.07.2015, when the Court was pleased to pass the following order:

“Learned counsel appearing for the respondents prays for some time for filing counter affidavit.

Counter affidavit may be filed within two weeks from today.

Rejoinder Affidavit, if any, may be filed within four weeks thereafter.

List the matters in due course.”

SLP(C) No. 35582/2012:

It is submitted that the sole respondent is represented through M/S Manoj Swarup & Co. Advocate and filed Counter Affidavit and Counsel for the Petitioner has also filed Rejoinder Affidavit. These Affidavits stands included in the SLP Paper Books.

SLP(C) No. 7538/2011:

It is submitted that there are 25 respondents. All Respondents are represented through Mr. Irshed Hanif, Advocate and filed Counter affidavit. Counsel for the Petitioner has filed Rejoinder Affidavit on behalf of Petitioner No. 2 only. Counsel for the Respondent has also filed Additional documents on behalf of the respondents. All these Affidavits stands included in the SLP Paper Books.

It is further submitted that Counsel for the petitioner has filed an application for substitution on behalf of the proposed LR of deceased Respondent No. 1 but the same is defective for the following reasons:

1. Application for Condonation of Delay has not been filed as the application is barred by time by 85 days.
2. Application for exemption in support of Death Certificate has not been filed.
3. Page No. 7 (Annexure A-1) has not been filed.

Counsel for the Petitioner have not cured the defects despite this Registrar's letter dated 04.08.2015.

SLP(C) No. 31978/2011:

It is submitted that there are three respondents. Respondent No. 1 is expired. Respondent Nos. 2 & 3 are represented through M/S Manoj Swarup & Co. Advocate and filed Counter Affidavit and counsel for the petitioner has also filed Rejoinder Affidavit. All these Affidavits stands included in the SLP Paper Books.

Counsel for the Petitioner has filed an application application for substitution of legal heirs of the proprietor of Respondent No. 1 alongwith application of condonation of delay and application of setting aside abatement and the same have registered as I.A. Nos. 5 to 7 and stands included in the SLP Paper Books.

SLP(C) No. 32297/2011:

It is submitted that there are two respondents. Both respondents are represented through Mr. Amit Dayal, Advocate and filed Counter Affidavit. Counsel for the petitioner has also filed Rejoinder Affidavit. These Affidavits stands included

in the SLP Paper Books.

SLP(C) No. 34744/2011:

It is submitted that there are three respondents. All the respondents are represented through M/S Manoj Swarup & Co., Advocate and filed Counter Affidavit and Counsel for the Respondent have also filed Rejoinder Affidavit. Both affidavits stands included in the SLP Paper Books.

Service of Show Cause Notice is complete in all the matters.

The matter above-mentioned are listed before the Hon'ble Court with this office report.

Dated this the 20th day of January, 2016.

ASSISTANT REGISTRAR

Copy to:

Mr. A.K Prasad, Adv.

M/s Manoj Swarup & co. adv.

Mr. A.K. Srivastave, Advocate

Mr. Irshed Hanif, Advocate

ASSISTANT REGISTRAR