

SECTION-XII A  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**INTERLOCUTORY APPLICATION NO.3-4**

(Application for substitution to bring on record the lrs. of deceased respondent no.1)

AND

**INTERLOCUTORY APPLICATION NO.5-6**

(Application for condonation of delay in filing substitution application)

IN

**CIVIL APPEAL NOS.7818-7819 OF 2009.**

|                                    |                |
|------------------------------------|----------------|
| CHENNADI JALAPATHI REDDY           | ...APPELLANT   |
| VERSUS                             |                |
| BADDAM PRATAPA REDDY (DIED) & ANR. | ...RESPONDENTS |

**OFFICE REPORT**

The office report on default in the matter above-mentioned was listed before the Hon'ble Court (IN CHAMBER) on 21<sup>st</sup> January, 2016, when the Hon'ble Court was pleased to pass the following Orders:-

“Four weeks' time is granted as a last chance to learned counsel for the appellant to cure the defects as pointed out by the Registry in its office report dated 09.12.2015.”

It is submitted to the Hon'ble Court that counsel for the Appellant has on 17<sup>th</sup> March, 2016 filed affidavit of service alongwith proof of service on behalf of Lrs. of deceased Respondent No. 1 but no one entered appearance on their behalf. Counsel has filed the same with delay of 28 days as time granted by Hon'ble Court had already expired on 18<sup>th</sup> February, 2016.

Service is complete on Lrs. of deceased Respondent No. 1 by affidavit of service.

It is further submitted that Mr. P. Vinay Kumar, Advocate for the Appellant has on 21<sup>st</sup> February, 2012 filed application for substitution to bring on record the lrs. of deceased respondent no.1 which is barred by time by 49 days and application for condonation of delay in filing substitution application has been filed.

It is lastly submitted that Mr. C. S.N. Mohan Rao, Counsel for the Respondent No. 2 has not filed statement of case so far and in terms of Order XIX Rule 32 (2) Supreme Court Rules, 2013 and its proviso, where a Respondent does not file statement of case within the time

prescribed, it shall be presumed that the party does not desire to file statement of case.

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

The aforesaid applications in the matter are listed before the Hon'ble Chamber Judge with this office Report.

Dated this, the 5<sup>th</sup> day of April, 2016.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. K. Prameshwar, Advocate.
2. Mr. C.S.N. Mohan Rao, Advocate.

ASSISTANT REGISTRAR