

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.2).

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 ON DEFAULT

The matters above-mentioned were listed before the Hon'ble Court on 26th July, 2013, when the Hon'ble Court was pleased to pass the following Order:-

“Delay condoned.

Issue notice on the application for bringing Legal Representatives on record, returnable within four weeks.

Dasti service, in addition, is permitted.”

Subsequently, the office report on default in the matter above-mentioned was listed before the Hon'ble Court (IN CHAMBER) on 6th May, 2015, when the Hon'ble Court was pleased to pass the following Orders:-

“Steps shall be taken to furnish the correct and latest address of the lrs. Of the deceased respondent no. 1 within four weeks.”

It is submitted to the Hon'ble Court that pursuant to the Court's order dated 14th February, 2015, counsel for the Appellant has filed process fee and spare copies accordingly, notice was issued to the proposed Lrs. of deceased Respondent No. 1 and copy of notice was also issued to the Advocate for effecting dasti service. Neither AD Card nor unserved cover has been received from the proposed Lrs. of deceased Respondent No.1 and Counsel for the Appellant has not filed affidavit of service in respect of proposed Lrs. of deceased Respondent No. 1 so far.

Service is not complete on Lrs. of deceased Respondent No. 1

It is further 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 default in the matter is listed before the Hon'ble Chamber Judge with this office Report on default.

Dated this, the 26th day of September, 2015.

ASSISTANT REGISTRAR

Copy to:-

1. Mr. P. Vinay Kumar, Advocate.
2. Mr. C.S.N. Mohan Rao, Advocate.

ASSISTANT REGISTRAR