

SECTION-IV

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NOS. 4437, 4438, 4439, 4440, 4441, 4442,
4443, 4444, 4445, 4446 OF 2009**

WITH

INTERLOCUTORY APPLICATION NO. _____

(Application for substitution to bring on record the Lrs. of deceased R. No. 2 in
C.A. No.4440 of 2009)

WITH

INTERLOCUTORY APPLICATION NO. _____

(Application for condonation of delay in filing substitution)

WITH

INTERLOCUTORY APPLICATION NO. _____

(Application for exemption from filing official translation)

M.P. State Road Transport Corp. & Anr. Etc. Etc. ...Appellants

Versus

Manoj Kumar & Anr. Etc. Etc. ...Respondents

OFFICE REPORT

The matters above- mentioned were listed before the Hon'ble Court on 12.05.2016, when the Court was pleased to pass the following order:-

"We have heard the learned counsel for the parties finally and during the course of arguments one of the submissions made by the learned counsel for the parties was that the High Court had set aside the order of the appellants accepting the VRS application(s) of the respondents and reinstated them in service. However, they were precluded from joining the service and, in the meantime, in the present appeal(s) stay order was passed. The respondents shall file affidavit(s) to the effect that as to whether during the intervening period they were in gainful employment/self-employment or not and, if so, particulars of such employment/self-employment and the salary/wages/income they were earning from that should be given.

We are deferring the pronouncement of judgment, awaiting the said affidavit(s).

List the matters on 08.07.2016."

In pursuance of above order, M/s. Prashant Kumar, T.G. Nair and Vikrant Singh Bais, Advocates have on 30.06.2016, 29.06.2016 and 04.07.2016 filed separate Affidavits on behalf of Respondent No. 1 in C.A. No. 4437, 4444 and 4446 of 2009, respectively. The same are being circulated herewith for the kind perusal of the Hon'ble Court.

It is submitted that Mr. Ashok Mathur, Advocate had filed an application for substitution on behalf of the proposed Lrs. of deceased Respondent No. 2 alongwith application for condonation of delay in filing substitution and exemption from filing official translation in C.A. No. 4440/2009. The same is defective for the following reasons :-

1. Copy of the original death certificate has not been filed.
2. Averment regarding 'There are no other Lrs.' has not been mentioned.
3. Vakaltnama on behalf proposed Lrs. is required to be filed.

Despite Registry's letters dated 27.11.2013 and 19.05.2014, counsel has not taken steps to cure the defects. The same is unregistered and placed along with appeal paper books.

The appeals with unregistered application for substitution above mentioned are listed before the Hon'ble Court with this Office Report.

Dated this the 04th day of July, 2016.

ASSISTANT REGISTRAR

Copy to:-

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ASSISTANT REGISTRAR