

ITEM NO.3

COURT NO.7

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. Nos. 19-20/2011 in Petition(s) for Special Leave to Appeal
(C) No(s). 24873-24874/2005

(Arising out of impugned final judgment and order dated 23/09/2005
in APO No. 450/2005,23/09/2005 in APOT No. 115/2005,23/09/2005 in
APOT No. 471/2005 passed by the High Court Of Calcutta)

ARUL MADHUSUDHAN FUTNANI ETC.

Petitioner(s)

VERSUS

VISHANJI DUNGARMAL FUTNANI (D) & ORS.

Respondent(s)

(for bringing on record the Lrs. of deceased respondent and office
report)

WITH

I.A. Nos.23-24/2011 In SLP(C) No. 25516-25517/2005
(With appln.(s) for bringing on record the Lrs. of deceased
respondent and Office Report)

Date : 27/08/2014 These applications were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
[IN CHAMBER]

For Petitioner(s) Mr. Ranjan Mukherjee ,Adv.

M/s. Mahalakshmi Balaji & Co. ,Adv.

For Respondent(s) Mr. Sandeep Narain, Adv.

M/s. S. Narain & Co. ,Adv.

Mr. Rajesh Kumar, Adv.

Mr. Dheeraj Gupta, Adv.

Mr. E. C. Agrawala ,Adv.

Mr. Swenab Kumar, Adv.

Ms. Anagha D. Desai, Adv.

Ms. Aakanksha Nehra, Adv.

M/s. Parekh & Co. ,Adv.

Mr. Rakesh K. Sharma ,Adv.

Mr. A. Raghunath ,Adv.

Mr. Vikas Mehta ,Adv.
M/s. Mahalakshmi Balaji & Co. ,Adv.

UPON hearing the counsel the Court made the following
O R D E R

These are the applications filed by the petitioners for substitution of Lrs. of Respondent No.8 in SLP (Civil) Nos.24873-24874 of 2005 and Respondent No.11 in SLP (Civil) Nos.25516-25517 of 2005 who are reported to have died during the pendency of these petitions. I have gone through the contents of the applications under consideration.

It is not in dispute as it prima facie appears on mere reading of the contents of the applications that right to sue which is subject matter of the SLPs has devolved upon the proposed legal representatives consequent upon the death of Respondent No.8 in SLP (Civil) Nos.24873-24874 of 2005 and Respondent No.11 in SLP (Civil) Nos.25516-25517 of 2005. In any event, this question can still be gone into if need be, at the time of final hearing of the matters.

In view of the foregoing discussion, the applications deserve to be allowed. These are accordingly, allowed.

The names of deceased Respondent No.8 in SLP (Civil) Nos.24873-24874 of 2005 and Respondent No.11 in SLP (Civil) Nos.25516-25517 of 2005 be accordingly deleted from the array of parties from the original cause title and in their place, the names of legal representatives be brought on record.

Necessary amendment in the cause title be made in record within two weeks. Amended cause title be served on all the

respondents including the newly added respondents.

Applications under consideration are accordingly, allowed.

(Geeta Ahuja)
Sr. P.A.

(Tapan Kumar Chakraborty)
Court Master