

LISTED ON: 01.07.2014
BEFORE COURT NO.: 4
ITEM NO.: 34

SECTION-IX
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 28643 OF 2010 AND 34204
OF 2012 WITH PRAYER FOR INTERIM RELIEF

BABURAO KISHANRAO UDARBHARE & ORS. ...PETITIONERS

-VERSUS-

CHARITY COMMISSIONER & ORS. ...RESPONDENTS

OFFICE REPORT

SLP (C) NO. 28643 OF 2010

The matter above mentioned was listed before the Hon'ble Court on 27th September, 2010, when the Court was pleased to pass the following order :-

“Delay condoned.

Issue notice.

Since the respondent No.2 , Akhil Bhartiya Mahanubhav Parishad, is represented, service on the said respondent is dispensed with. Let the other respondents be served in the usual course and also by way of dasti.

While issuing notice, we are fully alive to the fact that the order which was passed by the High Court, was at the invitation of the parties, but at the same time there is one grey area as to whether the representation by the learned advocate was fully representative in character in respect of all the interested parties. Notice is threfore, issued on that particular ground.

The respondents will be entitled to filed their respective counter affidavits within six weeks; rejoinder, if any, be filed within two weeks thereafter.

The status quo, as to the management of the Trust as also the Temple, as on today, shall be maintained by the parties until furher orders.”

Accordingly, show cause notice was issued to the respondents No.1, 3, 4 (1) to 4 (6). M/s Shivaji M. Jadhav and Debasis Misra, Advocates have filed Vakalatnama/appearance and counter affidavit on behalf of respondent No. 2 and 4(1) to 4 (6). Counter affidavits already included in the paper books. A.D Card duly signed has been received back from respondent No.1 but no on has entered appearance on his behalf so far.

...2/-

It is submitted that show cause notice was also handed over to the counsel for the petitioner and he has also filed affidavit of service stating therein that respondent No.3 was expired in 2002 and served the notice on his eldest son. The counsel for the petitioner has not filed application for substitution so far.

Thereafter, the matter was again mentioned before the Hon'ble Court on 26th July, 2011, when the Court was pleased to pass the following order :-

“On mentioning, let this matter be taken on board.

In view of the limited nature of the notice issued on the Special Leave Petition and the order passed on 27th September, 2010, let the matter be listed for further consideration on 11th August, 2011.”

SLP (C) NO. 34204 OF 2012

The matter above mentioned was listed before the Hon'ble Court on 27th September, 2010, when the Court was pleased to pass the following order :-

“Issue notice.

Tag with SLP(C) No. 28643 of 2010 arising out of SLP(C)... (CC No. 14520 of 2010).”

It is submitted that there are 21 respondents in this matter. Counsel for the petitioner has filed 10 spare copies with court fee of Rs. 100/- but he has not filed deficit court fee of Rs. 110/- and 11 spare copies for issuance of show cause notice to all the respondents. Hence show cause notice could not be issued to the respondents.

Service of notice is not complete.

The matters above mentioned are listed before this Hon'ble Court with this report.

Dated this the 30th day of June, 2014.

ASSISTANT REGISTRAR

Copy to:-

Mr. V. K. Siddharth, Advocate

M/s Lawyer's Knit & Co., Advocates

Mr. Shivaji M. Jadhav, Advocate

ASSISTANT REGISTRAR

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