

SECTION XII

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

**PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.28867
OF 2012**

WITH

PRAYER FOR INTERIM RELIEF

Shankar

...Petitioner

-Versus-

S. Rathinasababathy & Ors.

...Respondents

OFFICE REPORT FOR DIRECTIONS

Office report on default in the matter above mentioned was listed before the Hon'ble Judges-in-chambers on 10th May, 2016, when His Lordship was pleased to pass the following Order :-

"Nobody appears for the petitioner. Mr. Sumit Kumar, Advocate for the Respondents has pointed out that similar default in service upon Respondent Nos. 7 and 19 had taken place in SLP No. 34901/2011 which arose out of same common judgment under challenge in the present SLP and in that case the concerned Respondents being Respondent Nos. 6 and 18 had not been served and as a result, the SLP has been rejected qua them on 04.04.2014.

In the aforesaid facts and circumstances and considering the earlier default, the present SLP is ordered to stand dismissed qua respondent Nos. 7 and 19.

Mr. Sumit Kumar, Advocate informs the court that Respondent No. 1 is dead and he shall communicate the details of legal representatives of Respondent No. 1 to learned counsel for the petitioner for taking necessary steps."

...2/-

Thereafter, the matter above mentioned was listed before the Registrar's Court on 6th October, 2016, when the following Order was passed:-

"Application for substitution of legal representatives of deceased respondent no.1 be filed within three weeks time as last opportunity, if otherwise permissible. Registry thereafter to process under rules.

None appears for respondent no.2 despite due service.

Respondent no.10 has already filed counter affidavit.

Respondent Nos. 3 to 6, 8,9,11 to 18, and 20 to 23 are granted four weeks time as last opportunity for filing counter affidavit.

SLP against respondent nos. 7 and 19 has already been dismissed vide order dt.10.5.2016.

List again on 7.12.2016."

It is submitted that there are 23 respondents in this matter. Respondent No.1 is dead as Mr. Sumit Kumar, Advocate for respondent Nos. 1 and 10, has on 12th May, 2016, filed copy of original death certificate of respondent No.1 pursuant to order quoted above but Counsel for the petitioner has not filed application for bringing on record Legal Representatives of deceased respondent No.1 and Mr. Sumit Kumar, Advocate has also filed counter affidavit on behalf of respondent No.10. Respondent Nos. 3 to 6, 8, 9, 11 to 18 and 20 to 23 are represented though Mr. S. R. Setia, Advocate, but he has not filed counter affidavit so far. A.D. card duly signed has been received from respondent No.2 but no one has entered appearance so far.

The matter above mentioned was listed time to time and lastly listed before the Registrar's Court on 7th December, 2016, when the following Order was passed:-

"Despite last opportunity having been granted, application for substitution of Lrs. of deceased respondent no. 1 has not been filed. As such, process for listing before Hon'ble Judge-in-chambers for further directions along with appropriate report showing status of all respondents."

It is submitted that pursuant to above quoted order, Counsel for the petitioner has not filed application for substitution for legal representatives of deceased respondent No. 1 so far.

The default of the Counsel for the petitioner is reported to the Hon'ble Judge-in-chambers with this office report for directions.

Dated this the 16th day of February, 2017.

ASSISTANT REGISTRAR

Copy to : Mr. P.N. Ramalingam, Advocate
Mr. Sumit Kumar, Advocate
Mr. S.R. Setia, Advocate

ASSISTANT REGISTRAR

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