

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

INTERLOCUTORY APPLICATION NO.

(Application for bringing on record Lrs. of deceased R. Nos. 4 and 8)

AND

INTERLOCUTORY APPLICATION NO.

(Application for C/delay in filing substitution)

AND

INTERLOCUTORY APPLICATION NO.

(Application for bringing on record Lrs. of deceased Petitioner and deceased R. No. 17)

AND

INTERLOCUTORY APPLICATION NO.

(Application for C/delay in filing substitution)

IN

CIVIL APPEAL NO. 7602 OF 2009

Didar Singh & Ors.

...Appellants

VERSUS

Gurbaz Singh @ Baja Singh & Ors.

...Respondents

OFFICE REPORT ON DEFAULT

It is submitted that Mr.Sunil Kumar Jain, Counsel for the Appellant had on 3.8.2011 filed Application for substitution of Lrs. of deceased Respondent Nos.4 and 8 alongith Application for condonation of delay in filing substitution application. The application is barred by 9448 days against Lrs. of deceased Respondent No.4. The proposed Lrs. of deceased Respondent nos.4 and 8 are already on record as Respondent Nos.1, 2 and 3 are represented through counsel, but the Application is defective for the following reasons :-

- (i) Date of Death of deceased Respondent Nos.4 and 8 have not been mentioned.
- (ii) Copy of Death Certificate of deceased Respondent No.8 has not been furnished.
- (iii) Averment as regards 'there are no other Lrs. except mentioned in the application' has not been mentioned.

...2/-

It is further submitted that counsel has on 16.4.2012 filed Application for substitution of Lrs. of deceased Appellant No. 1 and Respondent No. 17 alongwith Application for condonation of delay in filing substitution application. The Application is barred by 452 days against Appellant No.1 and 5765 days against Respondent No. 17. Counsel has also filed Vakalatnama on behalf of the proposed Lrs. of deceased Appellant. The said Application is defective for the reasons that as regards Appellant No. 1 averment that there are no other Lrs. except mentioned in the application' is not mentioned.

It is submitted that Counsel for the Appellant has not cured the defects above-mentioned despite letters dated 23.4.2012 and 30.6.2012.

It is also submitted that Counsel for the Appellant has not furnished fresh address of Respondent No. 20 despite letter dated 23.4.2012 due to which Notice could not be served upon the said Respondent.

The office report on default on the part of the appellant in the appeal above-mentioned is listed before the Hon'ble Judge in Chambers with this Office Report.

Dated this the 08th day of September, 2015.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Sunil Kumar Jain, Advocate
A-1, MCD Flats, R-Block, Greater Kailash I,
New Delhi.
2. Mr. Mohd. Irshad Hanif, Advocate
A-1/204, Taj Enclave, Geeta Colony,
Delhi -31.

ASSISTANT REGISTRAR