

SECTION-IX
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 35859 AND 8296 OF 2014
WITH PRAYER FOR INTERIM RELIEF

WITH
INTERLOCUTORY APPLICATION NO. 1
(Application for condonation of delay in filing SLP in SLP (C) No. 35859 of 2014)

WITH
INTERLOCUTORY APPLICATION NO. 3
(Application for intervention filed by Mr. Gaurav Goel, Advocate in SLP (C) No. 35859 of 2014)

AND
INTERLOCUTORY APPLICATION NO. 4
(Application for impleadment as party respondent filed by M/s. Parekh and Company, Advocates in SLP (C) No. 35859 of 2014)

WITH
INTERLOCUTORY APPLICATION NO. 5
(Application for stay in SLP (C) No. 35859 of 2014)

WITH
INTERLOCUTORY APPLICATION NO. 6
(Application for impleadment as party respondent filed by Mr. Anil K. Chopra, Advocate for respondent in SLP (C) No. 35859 of 2014)

WITH
SPECIAL LEAVE PETITION (CIVIL) NO. 4112 OF 2015 AND SLP (C) NO. 6677 OF 2015 @ CC NO. 2358 OF 2015

WITH
INTERLOCUTORY APPLICATION NOS. 3-4
(Application for Vacating stay)

WITH
INTERLOCUTORY APPLICATION NO. 5
(Application for permission to file additional documents in SLP (C) No. 4112 of 2015)

WITH
PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 24905 OF 2015
WITH PRAYER FOR INTERIM RELIEF

WITH
INTERLOCUTORY APPLICATION NO. 1
(Application for condonation of delay in filing the SLP in all the SLPs)

AND
INTERLOCUTORY APPLICATION NO. 2
(Application for condonation of delay in re-filing the SLP in SLP (C) ..CC No. 6501 of 2016)

IN
PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) ..CC NOS. 7050, 7091, 7203, 7207 AND 6501 OF 2016
WITH PRAYER FOR INTERIM RELIEF

WITH

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 15938 OF 2016
WITH PRAYER FOR INTERIM RELIEF

LIFE INSURANCE CORPORATION OF INDIA

...PETITIONER

-VERSUS-

VITA PVT. LTD. AND ANOTHER

..RESPONDENTS

REVISED OFFICE REPORT

SPECIAL LEAVE PETITION (CIVIL) NO. 35859 OF 2014

The matter above mentioned was listed before the Hon'ble Court on 15th December, 2015, when the Court was pleased to pass the following Order:

"Notice on the application for condonation of delay as also on the Special Leave Petition.

Learned counsel, on caveat, accepts notice.

Counter affidavit and rejoinder affidavit are not necessary for the purpose of disposal of the Special Leave Petition.

Matter will be heard in usual course on a Non-miscellaneous day."

Thereafter, Interlocutory Application No. 3 i.e. application for intervention filed by Mr. Gaurav Goel, Advocate was listed before the Hon'ble Judge in Chamber on 02nd February, 2015, when the Court was pleased to pass the following Order:-

"Issue notice on the Application for Intervention.

Reply be filed within two weeks."

Thereafter, the matter along-with connected matters above mentioned was listed before the Hon'ble Court on 17th March, 2015, when the Court was pleased to pass the following Order:

"In these petitions, in fact, the ratio decided by the two-Judge Bench of this Court in the case of Suhas H. Pokhale vs. Oriental Insurance Company Limited and its Estate Officer - 2014 (4) SCC 657, is contrary to the decision of the Constitution Bench rendered in the case of Ashoka Marketing vs. Punjab National Bank - 1990 (4) SCC 406. Therefore, these matters need to be heard by a three-Judge Bench.

Hence, the Registry is directed to place the record of these matters before the Hon'ble Chief Justice of India for constituting a three-Judge Bench.

Interim order to continue, if any.

Liberty is given to the parties to mention for early hearing."

Thereafter, the Interlocutory Application No. 5 (Application for stay) in the matter above mentioned was listed before the Hon'ble Court on 07th September, 2015, when the Court was pleased to pass the following Order:

"Since the main matter has been referred to Three-Judge Bench, let this interlocutory application be placed before that Bench. "

It is submitted for information of the Hon'ble Court that there are two respondents in the instant matter represented by Ms. Anindita Pujari, Advocate but no reply affidavit has been filed to the SLP as well as to the application for intervention so far.

It is further submitted that counsel for the petitioners have also not filed reply affidavit to the application for intervention so far.

It is further submitted that M/s. Parekh and Company, Advocates have filed an application for impleadment as party respondents along with vakalatnama/ appearance on behalf of the proposed respondents. The application has been registered as Interlocutory application No. 4 and the same has been included in the paper books.

It is further submitted that Mr. Anil Shrivastava, Advocate has on 13th April, 2016 filed vakalatnama/appearance on behalf of the Petitioner after obtaining "No Objection from erstwhile Advocates, M/s. Bhave and Associates.

It is further submitted that counsel for the petitioner has filed an application for stay and the said application has been registered as Interlocutory Application No. 5 and has already been included in the paper books.

It is lastly submitted that Mr. Anil K. Chopra, Advocate has filed an application for impleadment as party respondents along with vakalatnama/appearance on behalf of the proposed respondents. The application has been registered as Interlocutory application No. 6 and the same has been included in the paper books.

Service of notice is complete in the SLP as well as in the application for intervention.

SPECIAL LEAVE PETITION (CIVIL) NO. 4112 OF 2015 AND SLP (C) NO. 6677 OF 2015 @ CC NO. 2358 OF 2015

The matters above mentioned were listed before the Hon'ble Court on 11th February, 2015 when the Court was pleased to pass the following Order:

**"Delay of 457 days in filing the Special leave petition (C)...../2015 (CC No. 2358) is condoned.
Issue notice on both the special leave petitions.
Let these matters be heard along with Special Leave Petition (C) No. 35859 arising out of CC No. 19293 of 2014.**

Hearing of the matters shall be expedited with the permission of Hon'ble the Chief Justice.

Till the matters are heard, status quo, as it exists today, shall be maintained.

We have heard Mr. Vikas Singh, learned senior counsel appearing for the respondent in S.L.P.(C) No. 4112 of 2015, who opposed grant of status quo.

In our view, it is well settled that when an appeal/petition arising out of an order is fixed for hearing and notices are issued, then the order which has serious consequences, must be stayed. Reference is made to the decision of this Court in Ashoka Marketing Limited and another versus Punjab National Bank and others reported in (1990) 4 SCC 406.

It goes without saying that we have not entered into the merits and have not expressed any opinion on the merits of the case."

It is submitted for the information for the Hon'ble Court that there are four common respondents in the instant matters. Respondent No. 1 is represented by Ms. Ramamani, Advocate and she has filed counter affidavits on behalf of the said respondent in both the matters above mentioned and the same have been included in the paper books. Neither A. D. Cards nor unserved covers have been received back from Respondent Nos. 2 to 4 so far.

It is further submitted that counsel for Respondent No. 1 has filed common applications for vacating status quo order dated 11.02.2015 in both the matters. The applications have been registered as interlocutory applications Nos. 3 and 4 and are being circulated before the Hon'ble Court in the SLP (C) No. 6677 of 2015.

It is lastly submitted that Mr. Arup Banerjee, Advocate for the petitioner has on 09.01.2017 filed an application for permission to file additional documents with the permission of the Court which is registered as I. A. No. 5 and the same is being circulated before the Hon'ble Court.

Service of notice is not complete.

SPECIAL LEAVE PETITION (CIVIL) NO. 8296 OF 2014

The matter above mentioned was listed before the Hon'ble Court on 30th June, 2014 when the Court was pleased to pass the following Order:

"Issue notice on the special leave petition as well as on the prayer for interim relief."

Thereafter, the interlocutory application No. 2 (Application for stay) in the matter above mentioned was listed before the Hon'ble Court on 11th February, 2015 when the Court was pleased to pass the following Order:

"Heard learned counsel for the parties.

There shall be stay of eviction, subject to the petitioner-Association making payment of Rs. 7,00,000/- by way of a bank draft in a nationalized bank in the name of the Chief Executive Engineer, the respondent No. 1 herein, within six weeks with the further stipulation that it shall continue to pay the rent at the rate of Rs. 10,000/- per month, payable by 5th of each succeeding month. If the amount, as directed, is not paid within the time frame, the respondent will be at liberty to evict the petitioners.

The interlocutory application is, accordingly disposed of."

Thereafter, the matter above mentioned was listed before the Hon'ble Court on 20th March, 2015 when the Court was pleased to pass the following Order:

"Let this matter be tagged with S.L.P. (C) No. 35859 of 2014."

It is submitted for the information of the Hon'ble Court that there are three respondents in this matter and are represented by Mr. A. P. Mayee, Advocate and he has filed Reply affidavit on behalf of Respondent No. 1 and counter affidavit on behalf of Respondent No. 2 which have already been included in the paper books. No rejoinder affidavit has been filed so far.

Service of notice is complete.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 24905 OF 2015

The matter above mentioned was listed before the Hon'ble Court on 24th August, 2015, when the Court was pleased to pass the following Order:

"Delay condoned.
Issue notice.
Connect with SLP (C) No.35859 of 2014 @
CC No.19293/2014.
In the meantime, the operation and
implementation of the impugned order shall
remain stayed."

Thereafter, the matters above mentioned were listed before the Hon'ble Court on 14th March, 2016, when the Court was pleased to pass the following Order:-

" List these matters after four weeks."

It is submitted for the information of the Hon'ble Court that there is sole respondent in the instant matter. Show cause notice was issued to the sole respondent on 15.09.2015. Mr. Anil Shrivastava, Advocate has entered appearance on behalf of sole respondent but no counter affidavit has been filed so far.

Service of notice is complete.

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) ..CC NOS. 7050, 7091, 7203, 7207 AND 6501 OF 2016

The SLP (C) ..CC No. 6501 of 2016 above mentioned was listed before the Hon'ble Court on 13th April, 2016, when the Court was pleased to pass the following Order:

"Let this matter be listed before a Bench that is hearing S.L.P. (C) No.35859 of 2014 on 18th April, 2016. We have directed the matter to be listed on 18th April, 2016, as we have been apprised at the Bar the other referred matters are coming in the List on that day."

It is submitted for the information of the Hon'ble Court that SLP (C) ..CC NOS. 7050, 7091, 7203, 7207 of 2016 have been tagged with SLP (C) No. 6501 of 2016 as all are arising out of similar issue.

SPECIAL LEAVE PETITION (CIVIL) NO. 15938 OF 2016

The matter above mentioned was listed before the Hon'ble Court on 08th July, 2016, when the Court was pleased to pass the following Order:

**"Issue notice.
Tag with CC No. 15032 of 2015.
In the meantime, the operation and implementation of the impugnd order shall remain stayed."**

It is submitted for the information of the Hon'ble Court that there is sole respondent in the instant matter represented through Mr. Farid Karachiwala, Advocate but he has not filed counter-affidavit so far.

Service of notice is complete.

And lastly, the matters above mentioned were mentioned before the Hon'ble Court on 02nd December, 2016, when the Court was pleased to pass the following Order:

"Post after X-mas holidays."

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

Dated this the 09th day of January, 2017.

ASSISTANT REGISTRAR

Copy to:

MR. ANIL SHRIVASTAVA, ADVOCATE
MS. ANINDITA PUJARI, ADVOCATE
MR. GAURAV GOEL, ADVOCATE
MR. ARUP BANERJEE, ADVOCATE
MS. S. RAMAMANI, ADVOCATE
MR. VIKASH MEHTA, ADVOATE
MR. RAHUL GUPTA, ADVOCATE
MR. NISHANT R. KATNESHWARKAR, ADVOCATE
Mr. FARID KARACHIWALA, ADVOCATE

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ASSISTANT REGISTRAR