

LISTED ON 13.01.2016
COURT NO. 7
ITEM NO 109

SEC. IVA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5899-5900 OF 2008

WITH

INTERLOCUTORY APPLICATION NO. 6

(Application for directions)

WITH

INTERLOCUTORY APPLICATION NO. 6,7, 14-15, 20-21

(Applications for directions)

WITH

INTERLOCUTORY APPLICATION NOS. 8

(Application for permission to file additional documents)

WITH

INTERLOCUTORY APPLICATION NOS. 1-2 IN I.A.No.

(Application for permission to file additional documents)

WITH

INTERLOCUTORY APPLICATION NOS. 9, 16-17, 28-29, 30-31

(Application for exemption from filing Official Translation)

WITH

INTERLOCUTORY APPLICATION NO. 32-33

(Application filed by Respondent Nos.1, 3 & 5 for dismissal of civil appeal on account of abatement caused by the death of the Respondent No.2)

WITH

INTERLOCUTORY APPLICATION NO. 34-35

(Application for exemption from filing official translation of annexures)

WITH

INTERLOCUTORY APPLICATION NO. 36-37

(Application for setting aside abatement of the civil appeal against Respondent No. 2)

WITH

INTERLOCUTORY APPLICATION NO. 38-39

(Application for substitution of deceased Respondent No. 2)

WITH

INTERLOCUTORY APPLICATION NO. 40-41

(Application for condonation of delay in bringing on record the Lrs of the deceased Respondent No. 2)

WITH

INTERLOCUTORY APPLICATION NO. 42-43

(Application for directions)

WITH

INTERLOCUTORY APPLICATION NO. 44-45 & 46-47

(Application for substitution of Lrs of deceased Respondent no. 1 and exemption from death certificate)

Ramachandra & Ors.

Appellants

Versus

Shivaram & Ors.

Respondents

WITH

CONTEMPT PETITION NOS. 338-339 OF 2009 IN CIVIL APPEAL NO.5899-5900/2008

AND

CONTEMPT PETITION NOS. 175-176 OF 2015 IN CIVIL APPEAL NOS. 5899-5900/2008

Ramachandra & Ors.

... Appellants

Versus

Shivaram & Ors.

... Respondents

REVISED OFFICE REPORT

The appeals above mentioned alongwith applications were mentioned before the Hon'ble Court on 5.11.2015, when the Court was pleased to pass the following Order :

*"The order dated 03.11.2015 shall be read as:
Perused the letter.
Four weeks' time is granted to take necessary steps
to bring the legal heirs of deceased respondent no. 1
on record.
List the matters after four weeks.
Ordered accordingly."*

It is submitted that counsel for the appellant has filed an application for bringing on record the Lrs of deceased Respondent No. 1 alongwith an application for directions but the said applications were defective for the following reasons:-

(i) death certificate of Respondent No. 1 has not been filed.

(ii) Relationship of some of the Lrs not given.

(iii) Annexure P-2 of application for direction is defective as some lines are underlined.

It is further submitted that Counsel for the appellant has on 8.12.2015 filed corrected page nos. 2 & 3 in the application for substitution of deceased Respondent No. 1 alongwith an application for exemption from filing death

certificate and on 08.01.2016 filed affidavit in support of application for exemption from filing death certificate. As the matter is on board, affidavit in support of the application is being circulated with this office report and application are registered as I.A. Nos. 44-45 and 46-47.

It is also submitted that counsel for the appellant has on 8.12.2015 also filed corrected annexure P-2 in the application for direction and the same has been registered as I.A Nos. 42-43.

It is again submitted that a further compliance report dated 26.11.2015(Copy enclosed) in Contempt Petition No. 421-422/2015 has been received from the Office of the District & Sessions Judge, Uttara Kannada, Karwar and the same has already been included in the paper books.

Thereafter, the contempt petition Nos. 175-176 of 2015 in the appeal above mentioned were listed before the Hon'ble Court on 27.11.2015 with an office report dated 26.11.2015, when the Court was pleased to pass the following Order :

"To be listed along with civil appeals before the appropriate Bench."

It is lastly submitted that Mr. Gautam Talukar, Advocate for the petitioner has on 15.12.2015 filed an application for substitution of Lrs. of deceased petitioner No. 2 in C.P Nos. 419-420/2015, expired on 01.10.2015 the same is within time but the vakalat/appearance on behalf of the proposed Lrs. has been filed and the same has already been included in the paper books.

In view of the above said order, the contempt petitions alongwith appeals and applications are listed before the Hon'ble Court with this office report.

Dated this the 12th day of January, 2016.

ASSISTANT REGISTRAR

COPY TO: Mr. Rauf Rahim, Advocate, 22 Old Lawyer Chamber
Mr. S.N. Bhat, Advocate, 217 New Lawyer Chamber
Mr. V.N. Raghupathy, Advocate, 15 Lawyer Chamber
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