

LISTED ON 04.03.2014

COURT NO.3

ITEM NO. 6

SEC-IVA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 31851,34006, 31092 ,19264-19266 OF 2009, 11276 OF 2010 SLP(C) NOS. 35923, 12100-12101, 13723-13727, 28617, 28623, 30499, 31361, 31605, 32112 OF 2009 AND 24068 OF 2011

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NOS.4-6 IN SLP(C) NOS.19264-66 OF 2009
(Application for Directions)

AND

INTERLOCUTORY APPLICATION NO.5 & 7 IN SLP(C) NO;28617 OF 2009
(Application for permission to file Addl. Documents).

AND

INTERLOCUTORY APPLICATION NO.5 & 7 IN SLP(C) NO;28623 OF 2009
(Application for permission to file Addl. Documents).

AND

INTERLOCUTORY APPLICATION NO. IN SLP(c) NO. 19264-66 OF 2009
(Application for impleadment as Respondent in I.A. Nos. 4-6)

AND

INTERLOCUTORY APPLICATION NOS. 7-9 IN SLP(C) NO. 19264-66 OF 2009
(Application for impleadment)

AND

INTERLOCTORY APPLICATION NOS. 10-12 IN SLP(C) NO. 19264-66 OF 2009
(Application in reply to the impleadment application in I.A. Nos. 7-9)

AND

INTERLOCUTORY APPLICATION NO. 4 IN SLP(C) NO. 34006 OF 2009
(Application for impleadment as party respondent)

AND

INTERLOCUTORY APPLICATION NO. 2 IN SLP(C) NO. 31092 OF 2009
(Application for impleadment as party respondent)

AND

INTERLOCUTORY APPLICATION NO. 2 IN SLP(C) NO. 24068 OF 2011
(Application for directions)

AND

INTERLOCUTORY APPLICATION NO. 5 IN SLP(C) NO. 34006 OF 2009
(Application for producing additional documents)

AND

INTERLOCTORY APPLICATION NO. 5 IN SLP(C) NO. 13723-13727 OF 2009
(Application for intervention)

AND

INTERLOCUTORY APPLICATION NOS. 16 to 18 IN SLP(c) NO. 19264-66 OF 2009

(Application for impleadment filed by JSW)

M/s B.R.N. Black Diamond Overseas ...Petitioner
-VERSUS-
The State of Karnataka & Ors. Etc. ...Respondents

COMMON OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 07.01.2014 with an office report dated 06.01.2014, when the Court was pleased to pass the following order:

"SLP(C)Nos. 13723-13727/09, 12100-12101/09,19264-19266/09

It is brought to our notice that respondent, Vikram Nikkam has expired during the pendency of these special leave petitions. Therefore, request is made that an appropriate application be filed by learned counsel for the petitioner(s) to bring legal representatives of the aforesaid respondent. Request of the learned counsel is reasonable and therefore it is granted.

Learned counsel for the petitioner(s) shall file such an application as early as possible, at any rate, within three weeks' time from today.

List the matters after three weeks."

Thereafter, matters above mentioned were mentioned before the Hon'ble Court on 04.02.2014 with an office report dated 03.02.2014, when the Court was pleased to pass the following order:

"SLP(C)Nos.19264-19266/2009:

Issue notice on the application for substitution to bring on record the proposed LRs of deceased respondent no.4 in S.L.P. (C)No.19264/2009 and respondent no.5 in S.L.P. (C)No.19265-19266/2009.

At the request of Shri P.S.Narasimha, learned senior counsel appearing for the petitioner(s), list the matters after two weeks."

SLP (C) No. 19264-19266/2009

It is submitted that notice was issued to the proposed Lrs. Of deceased respondent namely Vikram Nikam only in SLP (C) No. 19264-19266/2009. Neither A.D. Card nor unserved cover in respect of notice received till date.

It is further submitted that counsel for the petitioner has not filed death certificate, Court Fee and no other Lrs. has not been mentioned in the application.

It is lastly submitted that Mr. Chander Prakash, Advocate has on 28.02.2014 filed affidavit in reply to application for impleadment filed by JSW Steel Ltd., but he has not served the copy to Mr. P.V. Dinesh and A.S. Kulkarni, Advocates. As the matter is on board, the same is being circulated with this office report.

SLP (C) No. 12100-12101/2009

It is submitted that counsel for the petitioner has on 27.02.2014 filed a fresh application for bringing on record the Lrs. Of deceased respondent namely Vikram Nikam but he has not mentioned as to who is representing the proposed minor Lrs. of deceased respondent namely Vikram Nikam. Hence, Chamber Summons not endorsed. As the matter is on board the said application is being circulated with this office report.

SLP (C) No. 13723-13727/2009

It is submitted that counsel for the petitioner has filed translated copy of death certificate and Chamber Summon but he has not mentioned as to who is representing the proposed minor Lrs. of deceased respondent namely Vikram Nikam hence, Chamber Summon not endorsed.

It is further submitted that age of the Lrs. of deceased respondent namely Vikram Nikam in SLP (C) No. 19264-19266/2009 (Common in SLP (C) No. 12100-12101/2009 and 13723-13727/2009) is given as under:

1. Ms. Sailaja Nikam (wife) Age 44 years
2. Mr. Yashwant Nikam (son) Age 23 years
3. Mr. Ome Nikam (son) Age 21 years

It may be mentioner here that the same proposed Lrs Yashwant Nikam and Ome Nikam (mentioned as omkar Nikkam) are shown minor in SLP(c) Nos. 12100-12101/2009 and 13723-13727/2009.

It is lastly submitted that Mr. Ankur S. Kulkarni, Advocate in SLP (C) Nos. 19264-19266/2009, 12100-12101/2009 and 13723-13727/2009 has filed a letter stating therein that respondent namely S.T. Parsuram has died (copy enclosed). Counsel for the petitioner has not taken any steps to bring on record the Lrs. of S.T. Parsuram.

The matters are listed before the Hon'ble Court with this Office Report.

Dated on this the 3rd day of March, 2014.

ASSISTANT REGISTRAR

Copy to: Mr. A. S. Kulkarni, Advocate
Mr. Suresh A. Shroff & Co., Advocate
Mr. A. Raghunath, Advocate
Mr. Anitha Shenoy, Advocate
Mr.Sridhar Potaraju, Advocate.
M/s.S.Narain & Co., Advocates.
M/s.Karanjawala & Co.
Ms.A. Sumathi, Advocate.
M/s Khaitan & Co., Advocate
Mr. K.Rajeev, Advocate
M/s A.P & J Chambers, Advocates
Mr. P.V.Dinesh, Advocate
Mr. S.K.Kulkarni, Advocate
M/s Lex Regis Law Offices, Advocates

ASSISTANT REGISTRAR