

SECTION. IX

IN THE SUPREME COURT OF INDIA

MUHAMMAD MASUD MUHAMD. MOHSIN BHAIJI&ORS

Appellant (s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

OFFICE REPORT

SECTION – IX  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2257-2258, 2261-2262, 2264-2265, 2276-2277, 2278-2279, 2280, 2281, 2259-2260, 2272, 2284, 2285-2286, 2289-2290, 2291-2292, 2319, 2263, 2266, 2267, 2268, 2269, 2270, 2271, 2273, 2274-2275, 2282-2283, 2287-2288, 2293-2294, 2295-2296, 2297, 2298-2299, 2300, 2301, 2302, 2303, 2304-2305, 2306-2307, 2308, 2309, 2310, 2311, 2312, 2313-2314, 2315-2316, 2317-2318, 4802, 5822 OF 2009  
4624, 4625, 4945-4946 of 2008  
7471 of 2011 AND 74-75, 5043-5044, 5045-5046 OF 2012

WITH

INTERLOCUTORY APPLICATION NOS. 4-5 & 6-7 IN C.A. NO. 2257-2258 OF 2009  
(Applications for permission to file additional documents)

WITH

INTERLOCUTORY APPLICATION NOS ..... IN C.A. NOS. 2287-2288 OF 2009  
(Applications for substitution to bringing LRs of deceased appellant Nos. 1, 3, 13, 16 and 18 and 36 along with application for condonation of delay in filing substitution)

WITH

INTERLOCUTORY APPLICATION NOS. 2,3,4 AND 5 IN C.A. NO. 2273 OF 2009  
(Applications for substitution to bringing LRs of deceased appellant Nos. 3, 5 and 7 along with application for condonation of delay in filing substitution to bring LRs of deceased appellants on record)

WITH

INTERLOCUTORY APPLICATION NOS. 5-6, 7-8, 9-10 AND 11-12 IN C.A. NOS. 2282-2283 OF 2009

(Applications for substitution to bringing LRs of deceased appellant Nos. 3, 5 and 7 along with application for condonation of delay in filing substitution to bring LRs of deceased appellants on record)

WITH

INTERLOCUTORY APPLICATION NOS. 3-4, 5-6 AND 7-8, 9-10 IN C.A. NOS. 2274-2275 OF 2009

(Applications for substitution to bringing LRs of deceased appellant Nos. 7, 9 and 11 along with application for condonation of delay in filing substitution to bring LRs of deceased appellants on record)

WITH

INTERLOCUTORY APPLICATION NOS. ----- IN C.A. NOS. 2274-2275 OF 2009  
(Applications for deleting the name of Respondent No.4)

WITH

INTERLOCUTORY APPLICATION NOS. 16-17, 18-19 AND 20-21, 22-23 IN C.A. NOS. 2295-2296 OF 2009

(Applications for substitution to bringing LRs of deceased appellant Nos. 22 (iv) in C. A. No. 2295 and 19 (iv) in C.A. No. 2296 and on behalf of appellant nos. 12 and 2 along with application for condonation of delay in filing substitution to bring LRs of deceased appellants on record)

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WITH

INTERLOCUTORY APPLICATION NOS. ....IN C.A. NOS. 2315-2316 OF 2009

(Applications for substitution to bring the LRs of deceased Respondent No. 10 alongwith Letter for WITHDRAWAL of the application)

WITH

INTERLOCUTORY APPLICATION NO. 4 IN C.A. NO. 2281 OF 2009

(Applications for permission to file additional documents)

AND

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 6339-6340, 5988, 9778-9779, 13038, 13714-13715, 22639-22640, 12359, 8036, 9018-9019, 9159-9160, 8641-8642 and 21881-21882 of 2008

13458, 6654, 10371, 10363, 10242, 10243, 10238, 10370, 24167-24168, 24752-24753, 22894, 22895, 24750-24751 of 2009

30053 and 30054 of 2011

WITH

INTERLOCUTORY APPLICATION NOS. 3-4 AND 5-6 IN SLP(C) NOS. 21881-21882 OF 2008

(Applications for Restoration of SLPs along with applications for condonation of delay in filing applications for Restoration of SLPs)

AND

INTERLOCUTORY APPLICATION NO. 7-8 IN SLP(C) NOS. 21881-21882 OF 2008

Applications for deletion of Respondent Nos. 4 to 14)

AND

INTERLOCUTORY APPLICATION NO. ....IN SLP(C) NOS. 21881-21882 OF 2008

(Application for substitution to bring on record the Legal Representatives of Deceased Petitioner and condonation of delay in filing the application for substitution.)

AND

INTERLOCUTORY APPLICATION NO. 3-4 IN SLP(C) NOS. 8641-8642 OF 2008

(Application for substitution to bring on record the Lrs. of Deceased Petitioner No. 2 )

AND

INTERLOCUTORY APPLICATION NOS.7-8 AND 9-10 IN SLP(C) NO. 8641-8642 OF 2008

(Application for substitution to bring on record the Lrs. of Deceased Respondent No. 4 along with condonation of delay in filing the substitution application )

AND

INTERLOCUTORY APPLICATION NOS. 3-4 AND 5-6 IN SLP(C) NOS. 21881-21882 OF 2008

(Applications for Restoration of SLPs along with applications for condonation of delay in filing applications for Restoration of SLPs)

WITH

INTERLOCUTORY APPLICATION NO. 7-8 IN SLP(C) NOS. 21881-21882 OF 2008

Applications for deletion of Respondent Nos. 4 to 14)

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AND

INTERLOCUTORY APPLICATION NO. ...IN SLP(C) NOS. 21881-21882 OF 2008

(Application for substitution to bring on record the Legal Representatives of Deceased Petitioner and condonation of delay in filing the application for substitution.)

INTERLOCUTORY APPLICATION NO. 1

(Applications for condonation of delay in filing the SLPs)

WITH

INTERLOCUTORY APPLICATION NO. 1 IN SLP(C) NO. 8036 OF 2008

(Application for deletion of Petitioner Trustee No. 1 filed by Ms. Indu Sharma, Advocate for the petitioner.)

AND

INTERLOCUTORY APPLICATION NO. 2 IN SLP(C) NOS. 8036 OF 2008

(Application for impleadment as petitioner on behalf of Mr. Abhijit Sengupta, Advocate in SLP(C) NO. 8036 of 2008)

AND

INTERLOCUTORY APPLICATION NO. .... IN SLP(C) NOS. 8036 OF 2008

(Application for impleadment as petitioner on behalf of Mr. Abhijit Sengupta, Advocate in SLP(C) NO. 8036 of 2008)

AND

INTERLOCUTORY APPLICATION NOS. 15-16 IN SLP(C) NOS. 6639-6640 OF 2008

(Application for impleadment as petitioner filed by Mr. Vikas Mehta, Advocate in SLP(C) No. 6639-6640 of 2008)

AND

INTERLOCUTORY APPLICATION NOS.....IN SLP(C) NOS. 6639-6640 OF 2008

(Applications for permission to file additional documents filed by Mr. Vikas Mehta, Advocate on behalf of the proposed Petitioner.)

AND

INTERLOCUTORY APPLICATION NOS.....IN SLP(C) NOS. 24167-24168 OF 2009

(Applications for intervention filed by Ms. Anuradha Mutatkar, Advocate )

MUHAMMAD MASUD MUHAMD. MOHSIN

BHAJI & ORS. ETC. ETC.

.....APPELLANTS

-VERSUS-

UNION OF INDIA & ORS.

....RESPONDENTS

OFFICE REPORT

The matters as above were mentioned before the Hon'ble Court on 5<sup>th</sup> February, 2014 when the Court was pleased to pass the following Order:

**“This is a batch of nearly 79 matters ordered to be heard together. We are informed by learned counsel for the parties at the Bar that some of the**

appellants in these matters have passed away and

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applications for substitution of the LRs in place of the deceased appellants have been filed with prayers for condonation of delay.

Mr. Vikash Singh, learned senior counsel for the respondent submits that copies of the applications have not been furnished to him nor any objection have been filed so far. Copies of the application shall be furnished to learned counsel for the applicant seeking substitution and condonation within two days from today. Mr. Vikash Singh may have the objection to the application filed within 10 days thereafter.

We are told by learned counsel for the parties that keeping in view the number of matters grouped together for hearing and disposal, the disposal is likely to get delayed if preliminaries in each case were to be completed before hearing the matters. They suggest that the Registry could be directed to segregate the matters that are complete in all respect from those that are incomplete. That appears to be a reasonable suggestion. We therefore direct the Registry to submit a report segregating the complete matters from the incomplete ones.

List these matters again along with office report on 19.02.2014 at higher up in the list subject to over-night part-heard."

### **COMPLETE APPEALS :-**

2257-2258, 2261-2262, 2264-2265, 2276-2277, 2278-2279, 2280, 2281, 2259-2260, 2272, 2284, 2285-2286, 2289-2290, 2291-2292 and 2319 OF 2009 & 4624, 4625, 4945-4946 OF 2008

### **COMPLETE SLP'S :-**

6339-6340, 5988, 9778-9779, 13038, 13714-13715, 22639-22640, 12359, 8036, 9018-9019, 9159-9160 of 2008

13458, 6654, 10371, 10363, 10242, 10243, 10238, 10370, 24167-24168, 24752-24753, 22894, 22895, 24750-24751 of 2009

30053 and 30054 of 2011

### **Civil Appeal Nos. 2257-2258 of 2009**

There are three respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented

through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively.

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Original Record has been received.

Counsel for both the parties have filed statement of case.

Civil Appeal Nos. 2261-2262 of 2009

There are three respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Ms. Purna Mehta, Advocates respectively.

Original Record has been received.

Counsel for the Appellants and Respondents have filed statement of case, but counsel for the appellant has not served the copies on counsel for respondent nos.1 and 2.

Civil Appeal Nos. 2264-2265 of 2009

It is submitted for the information of the Hon'ble Court that there are two respondents in C.A. no. 2264 of 2009. Respondent Nos.1 and 2 are represented through Mr. A.P. Mayee and Ms. Anil Katiyar, Advocates respectively. In C.A. No. 2265 of 2009, there are three respondents. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Advocate Mr. A.P. Mayee and Ms. Purna Mehta, Advocates respectively.

Original record has been received.

Counsel for both the parties have filed statement of case

Civil Appeal Nos. 2276-2277 of 2009

There are twenty four respondents in C.A. No. 2276 of 2009 and thirty six respondents in C.A.2277 of 2009 respectively. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively. Respondent Nos. 4 to 24 in C.A. No. 2276 of 2009 and respondent Nos. 4 to 36 in C.A. No. 2277 of 2009 have been dispensed with as per this Court's Order dated 12.5.2008. Counsel for respondent no. 3 has filed counter affidavit and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for both the parties have filed statement of case.

Civil Appeal Nos. 2278-2279 of 2009

There are nine respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented

through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively. Respondent Nos. 4 to 9 are deleted by this Hon'ble Court's order dated 11.2.2009 in I.A. Nos. 3-4. Counsel for Respondent No. 3 has filed counter affidavit and the same has been included

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in the appeal paper books.

Original Record has been received.

Counsel for both the parties have filed statement of case.

Civil Appeal No. 2280 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Ms. Prerna Mehta, Advocates respectively. Counsel for Respondent no. 3 has also filed counter affidavit and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for both the parties have filed statement of case.

Civil Appeal No. 2281 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Mr. D. S. Mahra, Mr. A. P. Mayee and Ms. Prerna Mehta, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the appellant and Respondents have filed statement of case in this matter.

Civil Appeal Nos. 2259-2260 of 2009

There are three respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively.

Original Record has been received.

Counsel for the appellant and Respondent Nos. 1, 2 and 3 have filed statement of case.

Civil Appeal No. 2272 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively.

Original Record has been received.

Counsel for the appellant and respondent Nos. 1, 2 and 3 have filed statement of case.

Civil Appeal No. 2284 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee, and Mr. Ajay Sharma, Advocates respectively.

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Counsel for Respondent No. 3 has filed counter affidavit and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the appellant and respondent Nos. 1, 2 and 3 have filed statement of case.

Civil Appeal Nos. 2285-2286 of 2009

There are three respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented through Mr. A. P. Mayee, Ms. Anil Katiyar, and Mr. Ajay Sharma, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the appellant and respondent Nos. 1, 2 and 3 have filed statement of case.

Civil Appeal Nos. 2289-2290 of 2009

There are three respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the appellant has filed statement of case but not served its copy on respondent no.2. Respondent Nos. 1, 2 and 3 have filed statement of case.

Civil Appeal Nos. 2291-2292 of 2009

There are three respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been

included in the appeal paper books. .

Original Record has been received.

Counsel for the appellant has filed statement of case but not served its copy on respondent no.1. Respondent Nos. 1, 2 and 3 have filed statement of case.

Civil Appeal No. 2319 of 2009

There are six respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Ms. Prerna Mehta, Advocates respectively.

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Respondent Nos. 4 to 6 are proforma respondent and not served. Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the appellant and Respondents have filed statement of case in this matter.

Civil Appeal Nos. 4624 and 4625 of 2008

It is submitted for the information of the Hon'ble Court that there are three common Respondents in the appeals above-mentioned. Respondent No. 1 is represented through Mr. D. S. Mahra, Advocate and 3 is represented by Mr. Ajay Sharma, Advocate. Certificate of service has been received from the High Court in respect of Respondent No. 2 but no one has entered appearance on their behalf so far.

Service is complete.

Original record has been received.

Counsel for appellant has filed statement of case but Counsel for the Respondents has not filed statement of case so far.

Civil Appeal Nos. 4945-4946 of 2008

It is submitted for the information of the Hon'ble Court that there are three respondents in these matters. Respondent Nos. 2 and 3 are represented through Mr. D. S. Mehra, and Mr. Ajay Sharma, Advocates respectively. Respondent no. 1 is served with notice at the SLP stage but no one has entered appearance on his behalf.

Service is complete.

Original Record has been received.

The Counsel for both the parties have filed Statement of case.

SPECIAL LEAVE PETITION (CIVIL) NO. 13458 OF 2009

The matter above mentioned was listed before the Hon'ble Court on 11<sup>th</sup> May, 2009, when the Court was pleased to pass the following Order:-

**"Permission to file the Special Leave Petition is granted.  
Delay condoned in filing substitution application.  
Application for substitution is allowed.  
Delay condoned.**

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**Issue notice.  
In the meanwhile, interim order granted by the High Court shall continue.  
Tag with SLP(C) Nos. 22349-22350 of 2007 and connected matters."**

It is submitted for information of the Hon'ble Court that there were nine respondents in the instant matter. Service of notice is complete on all the respondents. Respondent No. 1 is represented by Mr. D.S.Mahra, Advocate and he has filed counter affidavit on behalf of the said respondent which has already been included in the paper books. Respondent No. 3 is represented by Ms. Purna Mehta, Advocate, Statement of Case and Counter Affidavit has been filed on behalf of the said respondent which has already been included in the paper books. Respondent No. 9 has been deleted vide Court's Order dated 03<sup>rd</sup> May, 2010. Remaining respondents have been served with notice but no one has entered appearance on their behalf so far. Counsel for the petitioner has filed amended cause-title and the same has already been included in the paper books.

Service of notice is complete in the SLP.

SPECIAL LEAVE PETITION (CIVIL) NO. 6654 OF 2009

The matter above mentioned was listed before the Hon'ble Court on 02<sup>nd</sup> April, 2009, when the Court was pleased to pass the following Order:-

**"Learned counsel appearing for the petitioners submits that in identical matter i.e. S.L.P.(C) Nos. 22349-22350/2007, this Court has issued**

notice.

Issue notice.

Meanwhile, there shall be stay of operation of the impugned judgment passed by the High Court. Tag with S.L.P. (C) Nos. 22349-22350/2007."

It is submitted for information of the Hon'ble Court that there are thirty respondents in the instant matter. All the respondents have been served with notice. Respondent No. 1 is represented by Mr. D.S. Mahra, Advocate and he has filed Counter Affidavit on behalf of the said respondent which has already been included in the paper Books. Respondent No. 3 is represented by Ms. Prerna Mehta, Advocate and she has filed counter affidavit and Statement

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of Case on behalf of the said respondent which has already been included in the paper books. Respondent Nos. 4, 15 and 17 have been deleted vide Court's Order dated 03<sup>rd</sup> September, 2012. Remaining respondents have been served with notice but no one has entered appearance on their behalf so far.. Counsel for the petitioner has filed amended cause-title and the same has already been included in the paper books.

Service of notice is complete.

SPECIAL LEAVE PETITION (CIVIL) NOS. 10371, 10363, 10362, 10242, 10243, 10238 AND 10370 OF 2009

The matters above mentioned were listed before the Hon'ble Court on 17<sup>th</sup> April, 2009, when the Court was pleased to pass the following Order:-

"Issue notice on the applications for condonation of delay as also on the SLPs. List with Civil Appeals arising out of SLP (C) No. 22349-350/2007."

SPECIAL LEAVE PETITION (CIVIL) NOS. 10371, 10363, 10362 AND 10242 OF 2009

It is submitted for information of the Hon'ble Court that there are three common respondents in the matters above mentioned. Respondent No. 1 is represented by Mr. D.S. Mahra, Advocate and he has filed Counter Affidavit on behalf of the said respondent which has already been included in the paper books. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate but no counter affidavit has been filed so far. Respondent No. 3 is

represented by Ms. Purna Mehta, Advocate and she has filed Counter Affidavit and Statement of Case on behalf of the said respondent which have already been included in the paper books. Service of notice is complete in all the SLPs.

SPECIAL LEAVE PETITION (CIVIL) NO. 10243 OF 2009

It is submitted for information of the Hon'ble Court that there are three respondents in the matters above mentioned. Respondent No. 1 is represented by Mr. D.S. Mahra, Advocate but no Counter Affidavit has been filed on behalf of the said respondent so far. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate but no counter affidavit has been

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filed so far. Respondent No. 3 is represented by Ms. Purna Mehta, Advocate and she has filed Counter Affidavit on behalf of the said respondent which has already been included in the paper books.

Service of notice is complete.

SPECIAL LEAVE PETITION (CIVIL)NO. 10238 AND 10370 OF 2009

It is submitted for information of the Hon'ble Court that there are three common respondents in the matters above mentioned. Respondent No. 1 is represented by Mr. D.S. Mahra, Advocate and he has filed Counter Affidavit which has already been included in the paper books. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate, Respondent No. 3 is represented by Ms. Purna Mehta, Advocate and she has filed Counter Affidavit and Statement of Case on behalf of the said respondent which have already been included in the paper books.

Service of notice is complete in all the SLPs.

SPECIAL LEAVE PETITION (CIVIL) NOS. 8036 , 9018-9019 AND 9159-9160 OF 2008

The matters above mentioned were listed before the Hon'ble Court on 07<sup>th</sup> April, 2008,when the Court was pleased to pass the following Order:-

**“Issue notice.**

**Ms. Neelam Sharma, Adv. accepts notice on behalf of 'The Board of Trustees of the Jawaharlal Nehru Port Trust' in all the petitions. Service of**

notice is waived.

Issue notice to the other respondents.

Tag along with SLP(C) Nos. 22349-22350 of 2007."

SPECIAL LEAVE PETITION (CIVIL)NO. 8036 OF 2008

It is submitted for information of the Hon'ble Court that there are three respondents in the matters above mentioned. Respondent No. 1 is represented by Mr. D.S. Mahra, Advocate and he has filed Counter Affidavit on behalf of the said respondent which has already been included in the paper books. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate but no counter affidavit has been filed so far. Respondent No. 3 is represented by Ms. Prerna Mehta, Advocate and she has filed Counter Affidavit and Statement of Case on

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behalf of the said respondent which have already been included in the paper books.

It is further submitted that Ms. Indu Sharma, Advocate for the petitioner has filed an application for deletion of the Petitioner Trustee No. 1 "Haribux Badrinarayan Gadodia" and the said application has been registered as Interlocutory Application No. 1 and has already been included in the paper books.

It is further submitted that Mr. Abhijit Sengupta, Advocate has filed an application for impleadment as petitioner along with vakalatnama & appearance and the said application has been registered as Interlocutory Application No. 2 and has already been included in the paper books.

It is further submitted that Mr. Abhijit Sengupta, Advocate has filed another application for impleadment as petitioner along with vakalatnama & appearance but the said application has not been signed by the counsel. The unregistered application has already been included in the paper books

Service of notice is complete in the SLP.

SPECIAL LEAVE PETITION (CIVIL)NO. 9018-9019 OF 2008

It is submitted for information of the Hon'ble Court that there are three common respondents in the matters above mentioned. Service of notice is complete on the respondent no. 1 but no one has entered appearance so far. Respondent No. 2 is represented by Mr. D.S. Mahra, Advocate and he has filed Counter Affidavit on behalf of the said respondent which has

already been included in the paper books. Respondent No. 3 is represented by Mr. Ajay Sharma, Advocate but no counter affidavit has been filed so far.

It is further submitted that counsel for the petitioner has filed Statement of Case which has already been included in the paper books.

Service of notice is complete.

SPECIAL LEAVE PETITION (CIVIL)NO. 9159-9160 OF 2008

It is submitted for information of the Hon'ble Court that there are three common respondents in the instant matter. Service of notice is complete on respondent Nos. 1 and 2 but no one has entered appearance on their behalf so far. Respondent No. 3 is represented by Mr.

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Ajay Sharma, Advocate but no counter affidavit has been filed so far.

It is further submitted that counsel for the petitioner has filed Statement of Case which has already been included in the paper books.

Service of notice is complete.

SPECIAL LEAVE PETITION (CIVIL) NOS. 6339-6440 OF 2008

The matters above mentioned were listed before the Hon'ble Court on 09<sup>th</sup> May, 2008, when the Court was pleased to pass the following Order:-

**"Permission to file SLP is granted.  
Delay condoned.  
Substitution allowed subject to all just exceptions.  
Issue notice.  
Mr. Ajay Sharma, Adv. accepts notice on behalf of Respondent No. 3. Service of notice is waived.  
Issue notice to the other respondents.  
Tag with SLP(C) Nos. 22349-22350 of 2007."**

It is submitted for information of the Hon'ble Court that there are four common respondents in the instant matter. Respondent No. 1 is represented by Mr. Anirddha P. Mayee, Advocate but no counter affidavit has been filed so far. Respondent No. 2 is represented by Mr. D.S. Mahra, Advocate and he has filed counter affidavit which has already been included in the paper books. Respondent No. 3 is represented by Mr. Ajay Sharma, Advocate but no counter affidavit has been filed so far. Respondent No. 4 has been deleted from the array of the

parties vide Court's Order dated 01<sup>st</sup> April, 2009.

It is further submitted that Mt. Vikas Mehta, Advocate has filed an application for impleadment as petitioner along with vakalatnama and appearance on behalf of the proposed Petitioner. The application has been registered as Interlocutory Application Nos. 15-16 and have already been included in the paper books.

It is further submitted that Mr. Vikas Mehta, Advocate has also filed additional documents on behalf of the proposed petitioner and the same have already been included in the paper books.

Service of notice is complete in the SLP.

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SPECIAL LEAVE PETITION (CIVIL)NO. 5988 OF 2008

The matter above mentioned was listed before the Hon'ble Court on 25<sup>th</sup> February, 2008, when the Court was pleased to pass the following Order:-

**"Permission to file the SLP is granted.  
Delay condoned.  
Issue notice.  
Mr. Ajay Sharma, Adv. accepts notice on behalf  
respondent No. 3. Service of notice is waived.  
Issue notice to the remaining respondents.  
Tag with SLP(C) Nos. 22349-22350 of 2007."**

It is submitted for information of the Hon'ble Court that there are five common respondents in the instant matter. Respondent No. 1 is represented by Mr. D.S. Mahra, Advocate and he has filed counter affidavit on behalf of the said respondent which has already been included in the paper books. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate and Respondent No. 3 is represented by Mr. Ajay Sharma, Advocate, Counter affidavit has been filed and included in the paper books. Respondent Nos. 4 and 5 have been deleted vide Court's Order dated 1<sup>st</sup> October, 2008.

Service of notice is complete in the SLP.

SPECIAL LEAVE PETITION (CIVIL)NO. 9778-9779 OF 2008

The matters above mentioned were listed before the Hon'ble Court on 07<sup>th</sup> April, 2008,

when the Court was pleased to pass the following Order:-

**"Delay condoned.  
Issue notice.  
Counsel appearing for the petitioners states that  
respondent Nos. 4 to 11 are proforma respondents  
and service on them may be dispensed with.  
Ordered as prayed at the risk of the petitioners.  
Issue notice to the other respondents.  
Tag along with SLP(C) Nos. 22349-22350/2007."**

It is submitted for information of the Hon'ble Court that there are eleven common respondents in the instant matter. Respondent No. 1 is represented by Mr. Aniruddha P. Mayee, Advocate, Respondent No. 2 is represented by Mr. D.S. Mahra, Advocate and he has filed Counter Affidavit which has already been included in the paper books. Respondent No. 3

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is represented by Mr. Ajay Sharma, Advocate but no counter affidavit has been filed so far. Service of notice is dispensed with on Respondent Nos. 4 to 11 as per Court's Order dated 07<sup>th</sup> April, 2008.

Service of notice is complete in the SLP.

SPECIAL LEAVE PETITION (CIVIL) NOS. 13038 AND 13714-13715 OF 2008

The matters above mentioned were listed before the Hon'ble Court on 09<sup>th</sup> May, 2008, when the Court was pleased to pass the following Order:-

**"Permission to file SLP is granted.  
Delay condoned. Substitution allowed.  
Issue notice.  
Mr. Ajay Sharma, Adv. accepts notice on behalf of  
Respondent No. 3 in both the Special Leave  
Petitions and seeks time to file reply. Service  
of notice is waived.  
Issue notice to the other respondents.  
Four weeks time are granted to file counter  
affidavit and two weeks thereafter to file  
rejoinder.  
Meanwhile, interim order granted by the High  
Court shall continue till the next date of  
hearing.  
Tag with SLP(C) Nos. 22349-22350 of 2007."**

SPECIAL LEAVE PETITION (CIVIL) NOS. 13038 OF 2008

It is submitted for information of the Hon'ble Court that there were fourteen respondents in the instant matter. Respondent No. 1 is represented by Mr. D.S.Mahra, Advocate, Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate and Respondent No. 3 is represented by Mr. Ajay Sharma, Advocate but no counter affidavits have been filed so far. Respondent Nos. 4 to 14 have been deleted vide Court's Order dated 14<sup>th</sup> September, 2010.

Service of notice is complete in the SLPs.

SPECIAL LEAVE PETITION (CIVIL) NOS. 13714-13715 OF 2008

It is submitted for information of the Hon'ble Court that there are three common respondents in the instant matter. Respondent No. 1 is represented by Mr. D.S.Mahra, Advocate, Counter affidavit has been filed and has already been included in the paper books. Respondent No. 2 is

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represented by Mr. Aniruddha P. Mayee, Advocate and Respondent No. 3 is represented by Mr. Ajay Sharma, Advocate but no counter affidavits have been filed so far.

Service of notice is complete in the SLPs.

SPECIAL LEAVE PETITION (CIVIL) NOS. 22639-22640 OF 2008

The matters above mentioned were listed before the Hon'ble Court on 05<sup>th</sup> May, 2008, when the Court was pleased to pass the following Order:-

**"Permission to file SLP is granted.  
Delay condoned.  
Substitution allowed subject to all just exceptions.  
Issue notice.  
Mr. Ajay Sharma, Adv. accepts notice on behalf of Respondent No. 3. Service of notice is waived.  
Issue notice to the other respondents.  
Tag with SLP(C) Nos. 22349-22350 of 2007."**

It is submitted for information of the Hon'ble Court that there are three common respondents in the instant matter. Respondent No. 1 is represented by Mr. D.S.Mahra, Advocate, Counter affidavit has been filed and has already been included in the paper books. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate and Respondent No. 3 is represented by Mr. Ajay Sharma, Advocate but no counter affidavits have been filed so far.

It is further submitted that Mr. Abhijat P. Medh, Advocate for the petitioner has filed an application for impleadment as petitioners along with vakalatnama and appearance. The application has been registered as Interlocutory Application Nos. 7-8 and have already been included in the paper books.

Service of notice is complete.

SPECIAL LEAVE PETITION (CIVIL) NO. 12359 OF 2008

The matter above mentioned was listed before the Hon'ble Court on 05<sup>th</sup> May, 2008, when the Court was pleased to pass the following Order:-

**"Permission to file SLP is granted.  
Delay condoned. Substitution allowed.  
Issue notice.**

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**Mr. Ajay Sharma, Adv. accepts notice on behalf of Respondent No. 3 and seeks time to file reply. Service of notice is waived.**

**Issue notice to the other respondents.**

**Four weeks time are granted to file counter affidavit and two weeks thereafter to file rejoinder.**

**Meanwhile, interim order granted by the High Court shall continue till the next date of hearing.**

**Tag with SLP(C) Nos. 22349-22350 of 2007."**

It is submitted for information of the Hon'ble Court that there are three common respondents in the instant matter. Respondent No. 1 is represented by Mr. D.S.Mahra, Advocate, Counter affidavit has been filed and has already been included in the paper books. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate but no counter affidavit has been filed so far and Respondent No. 3 is represented by Ms. Prerna Mehta, Advocate and she has filed Counter Affidavit and Statement of Case on behalf of Respondent No. 3 which is being circulated before the Hon'ble Court with this report.

Service of notice is complete.

SPECIAL LEAVE PETITION (CIVIL) NOS. 24167-24168 OF 2009

The matters above mentioned were listed before the Hon'ble Court on 11<sup>th</sup> September, 2009, when the Court was pleased to pass the following Order:-

"Permission to file special leave petition is granted.  
Delay in filing and refiling the special leave petitions and condonation of delay in filing application for substitution is condoned.  
Application for substitution is allowed.  
Meanwhile, interim order granted by the High Court shall continue till the next date of hearing.  
Tag with Civil Appeal Nos. ....../2009 @ SLP(C) Nos. 22349-22350 of 2007 and connected matters."

It is submitted for information of the Hon'ble Court that there are three common respondents in the instant matters. Respondent No. 1 has been served with notice but no one has entered

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appearance on its behalf so far. Respondent No. 2 is represented by Mr. D.S.Mahra, Advocate and counter affidavit has been filed and has already been included in the paper books. Respondent No. 3 is represented by Mr. Ajay Sharma, Advocate but no counter affidavit has been filed so far.

It is further submitted that Ms. Anuradha Mutatkar, Advocate has filed applications for intervention in the SLPs above mentioned along with Vakalatnama and appearance on behalf of the proposed Intervenor but prayer portion of the said application is defective. Since the matter is on board the said application is being circulated before the Hon'ble Court.

Service of notice is complete in the SLPs.

SPECIAL LEAVE PETITION (CIVIL) NOS. 24752-24753, 22894-22895 AND 24750-24751 OF 2009

The matters above mentioned were listed before the Hon'ble Court on 11<sup>th</sup> September, 2009, when the Court was pleased to pass the following Order:-

"Issue notice in all these petitions.  
In the meantime, status quo, as obtaining today, shall be maintained.  
Tag with Civil Appeal Nos. 2317-2318 of 2009."

SPECIAL LEAVE PETITION (CIVIL) NOS. 24752-24753 AND 24750-24751 OF 2009

It is submitted for information of the Hon'ble Court that there are three common

respondents in all the SLPs above mentioned. Respondent No. 1 is represented by Mr. D.S. Mahra, Advocate and he has filed Counter Affidavit on behalf of the said respondent and the same has already been included in the paper books. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate.

It is further submitted that Mr. Ajay Sharma, Advocate has filed Counter Affidavit on behalf of the Respondent No. 3 without filing Vakalatnama and Appearance, however, the counter affidavits have already been included in the paper books.

Service of notice is complete in the SLPs.

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SPECIAL LEAVE PETITION (CIVIL) NOS. 22894-22895 OF 2009

It is submitted for information of the Hon'ble Court that there are three common respondents in all the SLPs above mentioned. Respondent No. 1 is represented by Mr. D.S. Mahra, Advocate and he has filed Counter Affidavit on behalf of the said respondent and the same has already been included in the paper books. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate but counter affidavit has been filed so far. Respondent No. 3 is represented by Mr. Ajay Sharma, Advocate but no counter affidavit has been filed so far.

Service of notice is complete in the SLPs.

**INCOMPLETE APPEALS:-**

2263, 2266, 2267, 2268, 2269, 2270, 2271, 2273, 2274-2275, 2282-2283, 2287-2288, 2293-2294, 2295-2296, 2297, 2298-2299, 2300, 2301, 2302, 2303, 2304-2305, 2306-2307, 2308, 2309, 2310, 2311, 2312, 2313-2314, 2315-2316, 2317-2318, 4802, 5822 OF 2009  
2362-2363, 4535 of 2008  
7471 of 2011  
74-75, 5043-5044, 5045-5046 of 2012

**INCOMPLETE SLP'S:-**

8641-8642 and 21881-21882 of 2008

Civil Appeal No. 2263 of 2009

It is submitted for the information of the Hon'ble Court that there are three respondents in this appeal. Ms. Anil Katiyar, Mr. A. P. Mayee, and Ms. Purna Mehta, Advocates have entered appearance on behalf of Respondent Nos. 1, 2 and 3 respectively. Counsel for Respondent No. 3 has filed counter affidavit and the same has been included in the appeal paper books.

Original record has been received.

Counsel for respondent Nos. 1 & 2 have filed statement of case but counsel for appellant and respondent no.3 have not filed statement of case.

Civil Appeal No. 2266 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively.

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Original Record has been received.

Statement of case has been filed by the counsel for respondent nos. 1, 2 and 3 but counsel for the appellant has not filed statement of case so far.

Civil Appeal No. 2267 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books.

Original Record has been received.

Statement of case has been filed by the counsel for respondent nos. 1, 2 and 3 but counsel for the appellant has not filed statement of case so far.

Civil Appeal No. 2268 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Ms. Purna Mehta, Advocates respectively. Counsel for Respondent No. 3 has filed counter affidavit and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the Respondents have filed statement of case, but counsel for the appellant has not filed statement of case so far.

Civil Appeal No. 2269 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Ms. Prerna Mehta, Advocates respectively. Counsel for Respondent No. 3 has filed counter affidavit and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the Respondents have filed statement of case, but counsel for the appellant has not filed statement of case so far.

Civil Appeal No. 2270 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively.

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Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the respondent Nos. 1, 2 and 3 have filed statement of case, but counsel for the appellant has not filed statement of case so far.

Civil Appeal No. 2271 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively.

Original Record has been received.

Counsel for respondent nos. 1, 2 and 3 have filed statement of case but counsel for appellant has not filed statement of case so far.

Civil Appeal No. 2273 of 2009

It is submitted for the information of the Hon'ble Court that there are Seven respondents in this matter. Mr D. S. Mahra, Mr. A. P. Mayee and Ajay Sharma, Advocates have entered appearance on behalf of Respondent Nos. 1, 2 and 3 respectively. As regards service on

Respondent Nos. 4 to 7, counsel for the appellant has stated that respondent nos. 4 to 7 are proforma respondents and need not be served vide this Hon'ble Courts Order dated 8.1.2008.

It is further submitted that Mr. Shivaji M. Jadhav, Advocate has filed an application for substitution for bringing LRs of deceased appellant Nos. 3, 5 and 7 along with vakalatnama and appearance. There is a delay of 387, 319 and 702 days in filing the application for substitution for deceased appellant nos. 3,5 and 7 respectively and counsel has filed an application for condonation of delay in filing application for substitution. The application for substitution for deceased appellant nos. 3, 5 along-with delay application are registered as I.A. nos. 2 & 3 and for deceased appellant no. 7 are registered as 4 & 5 and placed before the Hon'ble Court.

Original record has been received.

Counsel for appellant and respondent nos. 1 and 2 have filed statement of case but counsel for respondent no. 3 has not filed statement of case.

Civil Appeal Nos. 2274-2275 of 2009

It is submitted that there are ten common Respondents in these appeals. Mr. A. P. Mayee,

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Ms. Anil Katiyar and Mr. Ajay Sharma, Advocates have entered appearance on behalf of Respondent nos. 1, 2 and 3 respectively. Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books. Certificate of service has been received in respect of respondent nos. 5 to 10. In respect of respondent no. 4, Mr. Shivaji M. Jadhav, Advocate has filed an application for deleting the name of respondent no. 4 but the same is defective as counsel has not filed affidavit deposed by the appellant.

It is further submitted that Mr. Shivaji M. Jadhav, Advocate has filed an application for substitution for bringing LRs on record of deceased appellant nos. 7, 9 and 11 along with vakalatnama and appearance. There is a delay of 387, 319 and 702 days in filing the application for substitution for deceased appellant nos. 3,5 and 7 respectively and counsel has filed an application for condonation of delay in filing application for substitution. The application for substitution for deceased appellant nos. 3, 5 along-with delay application are registered as I.A.

nos. 3-4 and 5-6 and for deceased appellant no. 7 are registered as 7-8 and 9-10 and placed before the Hon'ble Court.

Original record has been received.

Counsel for the appellant and counsel for respondent nos. 1 and 2 have filed statement of case but counsel for respondent nos. 3 has not filed statement of case.

Civil Appeal Nos. 2282-2283 of 2009

It is submitted for the information of the Hon'ble Court that there are eleven common respondents in both the appeals. Mr. A. P. Mayee, Ms. Anil Katiyar and Mr. Ajay Sharma, Advocates have entered appearance on behalf of Respondent Nos. 1, 2 and 3 respectively. Respondent Nos. 4 to 11 have been served at the SLP stage but no one has entered appearance on their behalf.

It is further submitted that Mr. Shivaji M. Jadhav, Advocate has filed an application for substitution for bringing LRs on record of deceased appellant nos. 3,5 and 7 along with vakalatnama and appearance. There is a delay of 387, 319 and 702 days in filing the application for substitution for deceased appellant nos. 3,5 and 7 respectively and counsel has filed an application for condonation of delay in filing application for substitution. The application for substitution for deceased appellant nos. 3, 5 along-with delay application are registered as I.A. nos. 5-6 & 7-8 and for deceased appellant no. 7 are registered as 9-10 & 11-12 and placed

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before the Hon'ble Court.

Original record has been received.

Counsel for the appellant and respondent nos. 1, 2 and 3 have filed statement of case.

Civil Appeal Nos. 2287-2288 of 2009

It is submitted that there are three common respondents in these matters. Mr. A. P. Mayee, Mr. D. S. Mahra and Ms. Prerna Mehta, Advocate have entered appearance on behalf of respondent nos. 1, 2 and 3 respectively.

It is further submitted that M/s. Parekh & Co., Advocates have filed 3 separate applications to bring on records the LRs of deceased appellant nos. 1, 3, 13, 16 and 18 and 36. There is a delay of 2194 days on behalf of appellant no. 1, 2465 days delay on behalf of

appellant no. 3, 254 days on behalf of appellant no. 13, delay of 186 days on behalf of appellant no. 16, delay of 723 days on behalf of appellant no. 18 and 1367 days on behalf of appellant no. 36. He has also filed applications for condonation of delay along with applications for substitution. The counsel has also filed Vakalatnama/Appearance on behalf of all the LRs except LRs nos 2 and 3 of appellant no. 13. The applications are defective for the reason that counsel has not filed an application for setting aside abatement in all the applications and service is incomplete in respect of application for substitution for deceased appellant no. 18. As the matter is on board , the applications are placed along with appeal paper books.

Original record has been received.

Counsel for both the parties have filed statement of case but counsel for appellant has not served its copies on respondent nos. 1 and 2.

#### Civil Appeal Nos. 2293-2294 of 2009

There are three respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented through Mr. A. P. Mayee, Ms. Anil Katiyar, and Mr. Ajay Sharma, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit and the same has been included in the appeal paper books. .

Original Record has been received.

Counsel for the appellant has filed statement of case but not served its copy on respondent no.1. Respondent Nos. 1, 2 and 3 have filed statement of case.

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#### Civil Appeal Nos. 2295-2296 of 2009

It is submitted for the information of the Hon'ble Court that there are Twenty Four common respondents in both the Appeals. M/s A.P. Mayee, D. S. Mahra and Ajay Sharma, Advocates have entered appearance on behalf of respondent nos. 1, 2 and 3 respectively. Respondent nos. 4 to 24 are proforma respondents and service on them is dispensed with at the risk of the petitioner vide. this Hon'ble Court's Order dated 11.01.2008

It is further submitted that Mr. Shivaji M. Jadhav, Advocate has filed an application for substitution to bring on records the LRs of deceased appellant nos. 22(iv) in C.A. No. 2295 and 19(iv) in C.A. No. 2296 and on behalf of appellant nos. 12 and 9 along-with an application for

condonation of delay as there is a delay of 319 and 1371 days in filing the application for substitution respectively. The same are registered as I.A. Nos. 16-17, 18-19 and 20-21, 22-23 and are placed before the Hon'ble Court for orders.

Original record has been received.

Counsel for the appellant and respondent nos. 1 and 2 have filed statement of case but counsel for respondent no.3 has not filed statement of case.

Civil Appeal No. 2297 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Ms. Prerna Mehta, Advocates respectively.

Original Record has been received.

Counsel for the appellant has filed statement of case but not served its copy on respondent no.2. Respondent Nos. 1 and 2 have filed statement of case, but counsel for the respondent no. 3 has not filed statement of case.

Civil Appeal Nos. 2298-2299 of 2009

There are three respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the respondent Nos. 1, 2 and 3 have filed statement of case, but counsel for the appellant has not filed statement of case so far.

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Civil Appeal No. 2300 of 2009

It is submitted that there are Respondent Nos. 1 to 4 and 5 (i) to 5 (iv) and 6 in this appeal. Respondent Nos. 1 is represented through Mrs. Anil Katiyar, Advocate, Respondent No. 2 is represented through Mr. A. P. Mayee, Advocate, Respondent Nos. 3 is represented through Ms. Prerna Mehta, Advocate and Respondent Nos. 5 (iii) and 5 (iv) are represented through Ms. Indu Sharma, Advocate. Respondent No.6 has been served through Civil Judge, Senior Division, Thane by the High Court but no one has entered appearance on behalf of said

Respondent. Counsel for respondent no. 3 has filed counter affidavit and the same has been included in the appeal paper books.

It is further submitted that service on Respondent No.4 and 5 (i) and 5 (ii) is not complete. Respondent Nos. 4 and 5 (i) is the same person. The counsel for the appellant has not taken any steps to confirm service on these Respondents. However, Respondent Nos. 4, 5 (i) and 5 (ii) are the Appellants in connected Civil Appeal No. 2311 of 2009 and the same are represented through Ms. Indu Sharma, Advocate.

Original record has been received in connected Civil Appeal No. 2311 of 2009.

Counsels for the appellant has filed statement of case but not served its copy on respondent nos. 2 and 5 (iii) (iv). Counsel for Respondent nos. 1, 2 and 3 have filed statement of case but counsel for respondent no. 5 (iii) (iv) have not filed statement of case so far.

#### Civil Appeal No. 2301 of 2009

There are four respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Mr. D. S. Mahra, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books. The counsel for appellant has not given latest and complete address of Respondent No.4, hence notice could not be served on him.

Service of notice is incomplete.

Original Record has been received.

Counsel for the Respondent Nos. 1 and 2 have filed statement of case, but counsel for the appellant and Respondent No.3 have not filed statement of case so far.

#### Civil Appeal No. 2302 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented

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through Mr. D. S. Mahra, Mr. A. P. Mayee and Ms. Prerna Mehta, Advocates respectively. Counsel for respondent no.3 has filed counter affidavit and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the Respondents have filed statement of case, but counsel for the appellant

has not filed statement of case so far.

Civil Appeal No. 2303 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Mr. D. S. Mahra, Mr. A. P. Mayee and Ms. Prerna Mehta, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the Respondents have filed statement of case, but counsel for the appellant has not filed statement of case so far.

Civil Appeal Nos. 2304-2305 of 2009

There are twelve respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Ms. Prerna Mehta, Advocates respectively. Respondent Nos. 4 to 12 are represented through Mr. A. P. Medh, Advocate. Counsel for respondent no. 3 has filed counter affidavit and the same has been included in the appeal paper books. .

Original Record has been received.

Counsel for the respondents have filed statement of case, but counsel for the appellant and counsel for respondent nos. 4 to 12 ha not filed statement of case so far.

Civil Appeal Nos. 2306-2307 of 2009

There are twelve respondents in these appeala. Respondent Nos. 1, 2 and 3 are represented through Mr. D.S. Mahra, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively. Respondent Nos. 4 to 12 are represented through Mr. A.P. Medh, Advocate.

Original Record has been received.

Statement of case has been filed by the counsel for the Respondent Nos. 1, 2 and 3 but counsel for appellant and respondent nos. 4 to 12 have not filed statement of case so far.

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Civil Appeal No. 2308 of 2009

There are six respondent s in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively.

Respondent No. 4 is appellant in C.A. No. 2311 of 2009. Respondent No. 6 is respondent no. 5 in C.A. No. 2311 of 2009. Respondent No. 5 is dead and his Lrs 5C and 5D are represented through Ms. Indu Sharma, advocate. 5A is served with notice by the High Court and 5B is the appellant in C.A. No. 2311 of 2009.

Original record has been received.

Statement of case has been filed by the counsel for the appellant and counsel for respondent nos. 1, 2 and 3 but counsel for Lrs of deceased respondent nos. 5 and 5 has not filed statement of case so far.

#### Civil Appeal No. 2309 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Mr. D. S. Mahra, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively.

Original Record has been received.

Counsel for the Respondent Nos. 1, 2 and 3 have filed statement of case, but counsel for the appellant has not filed statement of case so far.

#### Civil Appeal No. 2310 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Mr. D. S. Mahra, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively. Counsel for Respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the Respondent Nos. 1, 2 and 3 have filed statement of case, but counsel for the appellant has not filed statement of case so far.

#### Civil Appeal No. 2311 of 2009

It is submitted that there are five Respondents in this appeal. Mr. Anil Katiyar, Mr. A. P. Mayee and Ms. Purna Mehta, Advocates have entered appearance on behalf of Respondent nos. 1, 2 and 3 respectively. Respondent no. 5 has been served with the notice by way of dasti service at SLP stage but no one has entered appearance on his behalf. Respondent no. 4 was

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also appellant in connected Civil appeal nos. 2308 of 2009 and her LRs have already been

brought on record and represented by Mr. Abhijit Sen Gupta, Advocate.

Original record has been received.

Counsel for the appellant has filed statement of case but not served on respondent no. 2 and LR's of respondent no. 4. Counsel for respondent nos. 1, 2 and 3 have filed statement of case but counsel for LR's of respondent no. 4 has not filed statement of case.

Civil Appeal No. 2312 of 2009

There are six respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Mr. D. S. Mahra, Mr. A. P. Mayee, and Ms. Prerna Mehta, Advocates respectively. Respondent Nos. 4 to 6 are proforma respondents. Counsel for respondent No. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for the respondents have filed statement of case, but counsel for the appellant has not filed statement of case so far.

Civil Appeal No. 2313-2314 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Ms. Anil Katiyar, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively.

Original Record has been received.

Counsel for the appellant has filed statement of case but not served copy on any of the counsel for respondents. Respondent Nos. 1 and 2 have filed statement of case, but counsel for the respondent no. 3 has not filed statement of case so far.

Civil Appeal Nos. 2315-2316 of 2009

It is submitted that there are ten respondents in these matters. Mr. A. P. Mayee, Advocate has entered appearance on behalf of Respondent no. 1 and 2 in C.A. No. 2315 and C.A. No. 2316 of 2009 respectively. Certificates of service have been received in respect of respondents nos. 2, 3 and 10 in C.A. No. 2315 of 2009 and in respect of respondent no. 1, 3 and 10 in C.A. No. 2316 of 2009. Respondent nos. 4 to 9 have been deleted vide Hon'ble Court's Order dated 23.02.2009 in both the appeals. Mr. Ajay Sharma, Advocate has filed counter affidavit on behalf of respondent no. 3 but he has not filed vakalatnama/appearance on its behalf.

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It is further submitted that Respondent no. 10 is expired and counsel for appellant has on 16.1.2014 filed an application for substitution but now on 28.01.2014 he has filed a letter stating therein that he wants to withdraw the application for substitution as there is no need to bring on record the LRs of proforma respondent. He has further stated that in this regard an application for substitution has already been filed in the connected Civil Appeal Nos. 2282-2283 of 2009. (Copy of letter placed at page no. 14 in the substitution application.)

Original record has been received.

Counsel for the Appellant and counsel for State of Maharashtra have filed statement of Case.

Civil Appeal No. 4802 of 2009

There are three respondents in this appeal. Respondent Nos. 1, 2 and 3 are represented through Mr. D. S. Mahra, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for both the parties have not filed statement of case.

Civil Appeal No. 5822 of 2009

There are three respondents in this appeal. Respondent Nos. 1 and 2 are represented through Mr. D. S. Mahra and Mr. A. P. Mayee Advocates respectively. Mr. Ajay Sharma, Advocate has filed counter affidavit on the behalf of respondent no. 3 but he has not filed vakalatnama/appearance on its behalf.

Original Record has been received.

Counsel for Respondent Nos. 1 and 2 have filed Statement of Case but counsel for the appellant and respondent no. 3 have not filed statement of case so far.

Civil Appeal Nos. 74-75 of 2012

There are three respondents in these appeals. Respondent Nos. 1, 2 and 3 are represented through Mr. D. S. Mahra, Mr. A. P. Mayee and Mr. Ajay Sharma, Advocates respectively.

Service is complete.

Original Record has been received.

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Counsel for Respondent Nos. 1 and 2 have filed statement of case but counsel for appellant and respondent no. 3 have not filed statement of case so far.

Civil Appeal Nos. 5043-5044 of 2009

There are three respondents in these appeals. Respondent Nos. 1 and 2 are represented through Mr. A. P. Mayee and Mr. D. S. Mahra, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for both the parties have not filed statement of case.

Civil Appeal Nos. 5045-5046 of 2009

There are three respondents in these appeals. Respondent Nos. 1 and 2 are represented through Mr. A. P. Mayee and Mr. D. S. Mahra, Advocates respectively. Counsel for respondent no. 3 has filed counter affidavit in this matter and the same has been included in the appeal paper books.

Original Record has been received.

Counsel for both the parties have not filed statement of case.

Civil Appeal Nos. 2362-2363 of 2008

It is submitted for the information of the Hon'ble Court that M/s. Parekh & Co., Advocates have filed an Application for deleting the name of Respondent Nos. 18 to 21 and 23 in Civil Appeal No. 2363 of 2008. The same is registered as I.A. No. 7.

It is further submitted that M/s. Parekh & Co., Advocates have also filed application of substitution for bringing LRs of deceased appellant Nos. 3 and 5 in C.A. No. 2362 of 2008. The same is barred by time by 213 and 145 days in respect of appellant nos. 3 and 5 respectively. The counsel has also filed application for condonation of delay in filing substitution for bringing LRs of deceased appellants Nos. 3 and 5 along with Vakalatnama/Appearance on behalf of all the LRs. The same are registered as I.A. Nos. 8-9 and 10-11.

The Counsel for Respondent Nos. 1 and 2 have not filed statement of case so far.

Civil Appeal No. 4535 of 2008

It is submitted that Mr. S. K. Bhattacharya, Advocate has filed application for substitution to bring on record the LR's of deceased appellant No. 1. He has also filed

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vakalatnama/appearance on behalf of all the LR's.

It is further submitted for the information of the Hon'ble Court that there are sixty four respondents in this appeal. Respondent Nos. 1 and 3 are represented through Mr. D. S. Mehra and Mr. Ajay Sharma, Advocates respectively. Service of notice of lodgment of petition of appeal is complete through High Court on respondent nos. 2, 5-8, 11-16, 18-21, 23-25, 28, 37, 44, 46-48, 51-53 and 61-64 but no one has entered appearance on their behalf.

It is further submitted that the counsel for the appellant has filed application for deletion of the name of respondent nos. 4, 9,10, 16, 17, 22, 26, 27, 29 to 36, 38-43, 45, 49, 50, 54-60.

It is lastly submitted that the counsel for respondent no. 3 has filed Statement of case but counsels for the appellant and respondent no. 1 have not filed statement of case so far.

Civil Appeal No. 7471 of 2011

It is submitted that there are ten respondents in this matter. Mr. D. S. Mahra and Mr. A. P. Mayee, Advocates have entered appearance on behalf of Respondent Nos.1 and 2. Mr. Ajay Sharma, Advocate appears and waives notice on behalf of Respondent No.3 but he has not filed Vakalatnama/appearance on behalf of Respondent No.3. Names of Respondent Nos. 4 to 10 have been deleted from the array of parties vide Order dated 17<sup>th</sup> January, 2011 passed by the Hon'ble Judge in Chambers.

Original record has not been received.

Counsel for the Appellant has filed Statement of case but no Statement of case have been filed by Counsel for Respondents.

SPECIAL LEAVE PETITION (CIVIL) NOS. 21881-21882 OF 2008

The matters above mentioned were listed before the Hon'ble Court on 11<sup>th</sup> August, 2008, when the Court was pleased to pass the following Order:-

**"Delay condoned.**

**Issue notice.**

**Tag with SLP(C) Nos. 22349-22350 of 2007."**

Thereafter, the matters above mentioned were listed before the Hon'ble Court on 14<sup>th</sup> January, 2011, when the Court was pleased to pass the following Order:-

**"Two weeks time is granted to comply with the Office Report dated 8.12.2010 failing which the Special Leave Petition shall stand automatically dismissed."**

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It is submitted for information of the Hon'ble Court that due to non-compliance of the aforesaid Court's Order dated 14<sup>th</sup> January, 2011 SLP has been updated as dismissed.

It is further submitted that Mr. Naresh Kumar, Advocate has filed applications for restoration of SLPs which are barred by time by 275 days along with application for condonation of delay in filing the applications for restoration of SLPs and the same were listed before the Hon'ble Judge in Chamber on 27<sup>th</sup> August, 2012, when the Court was pleased to pass the following Order:-

**"Issue notice in the application seeking condonation of delay in filing the restoration application as well as in the application for restoration.**

**Ms. Prachi Bajpai, Advocate accepts notice on behalf of Union of India. Notice may now be issued to other respondents returnable within six weeks."**

Thereafter, Interlocutory Application Nos. 3-6 i.e. applications for restoration of SLPs along with applications for condonation of delay in filing applications for restoration of SLPs were listed before the Hon'ble Judge in Chamber on 18<sup>th</sup> March, 2013, when the Court was pleased to pass the following Order:-

**"List after service is complete."**

It is submitted for information of the Hon'ble Court that notice in the applications for restoration of SLPs has been issued to all the fourteen respondents. Respondent No. 1 is represented by Mr. D.S. Mahra, Advocate and he has filed Reply Affidavit on behalf of the said respondent which has already been included in the paper books. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate but no counter affidavit has been filed so far, Respondent No. 3 is represented by Mr. Ajay Sharma, Advocate and he has filed reply

affidavit to applications for restoration of SLPs above mentioned which has already been included in the paper books.

It is further submitted that Sole Petitioner has expired and counsel for the petitioner has filed an application for substitution to bring on record the Lrs. of Deceased Sole Petitioner along with Vakalatnama and Appearance on behalf of the Proposed Legal Representatives of

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the deceased sole Petitioner the said application is barred by time by 704 days and counsel for the petitioner has filed an application for condonation of delay in filing the application for substitution but the application for substitution is defective for the reasons that counsel for the petitioner has not filed an application for setting aside abatement and the application has been signed by Mr. Sudhanshu S. Choudhari, Advocate without obtaining "No Objection" from erstwhile advocate, Mr. Naresh Kumar. The unregistered applications have already been included in the paper books.

It is further submitted that counsel for the petitioner has filed an application for deletion of Respondent Nos. 4-14 and the said applications have been registered as Interlocutory Application Nos. 13-14 and the same have already been included in the paper books. Service of notice is not complete on 4-14 in the applications for restoration of SLPs.

SPECIAL LEAVE PETITION (CIVIL) NOS. 8641-8642 OF 2008

The matters above mentioned along with other connected matters were listed before the Hon'ble Court on 07<sup>th</sup> April, 2008, when the Court was pleased to pass the following Order:-

**"Issue notice.**

**Ms. Neelam Sharma, Adv. accepts notice on behalf of 'The Board of Trustees of the Jawaharlal Nehru Port Trust' in all the petitions. Service of notice is waived.**

**Issue notice to the other respondents.**

**Tag along with SLP(C) Nos. 22349-22350 of 2007."**

SPECIAL LEAVE PETITION (CIVIL) NOS. 8641-8642 OF 2008

It is submitted for information of the Hon'ble Court that there are five common respondents in the instant matter. Respondent No. 1 is represented by Mr. D.S. Mahra, Advocate and he has filed counter affidavit on behalf of the said respondent which has already

been included in the paper books. Respondent No. 2 is represented by Mr. Aniruddha P. Mayee, Advocate but no counter affidavit has been filed so far and Respondent No. 3 is represented by Mr. Ajay Sharma, Advocate but no counter affidavits have been filed so far. Respondent No. 4 has expired. Neither A.D. Card nor unserved cover has been received back from Respondent No. 5 so far.

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It is further submitted that counsel for the petitioner has filed an application to bring on record the Lrs. of Deceased Petitioner No. 2 along with vakalatnama and appearance on behalf of the proposed Legal Representatives. The application is within time and the same is being circulated before the Hon'ble Court with this report.

It is further submitted that Respondent No. 4 has expired and counsel for the petitioner has filed an application for substitution to bring on record the Lrs. of Deceased Respondent No. 4 which is barred by time by 45 days and counsel for the petitioner has also filed an application for condonation of delay in filing the said application along with notice of motion, the applications have been registered as Interlocutory Application Nos. 7-8 and 9-10 and the same are being circulated before the Hon'ble Court with this report.

Service of notice is not complete on Respondent No. 5. Service of notice of motion on the proposed Legal representatives of Deceased Respondent No. 4 is not complete.

It is lastly submitted that counsel for the petitioner has given a letter dated 12th February, 2014 stating therein that Respondent No. 4 "Bhagwatidevi Shankarlal Surekha" was also an appellant in connected Civil Appeal No. 2308 of 2009 and her Legal Representatives have already been brought on record and are represented by Mr. Abhijit Sengupta, Advocate (Copy of the letter is enclosed).

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

Dated this the 18<sup>th</sup> day of February, 2014.

ASSISTANT REGISTRAR

Copy to :-

1. Ms. Anil Katiyar, Advocate

2. Mr. A. P. Mayee, Advocate
3. Ms. Prerna Mehta, Advocate
4. Mr. D. S. Mahra, Advocate
5. Mr. Ajay Sharma, Advocate
6. Mr. Shivaji M. Jadhav, Advocate
7. Ms. Indu Sharma, Advocate

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ASSISTANT REGISTRAR