

SECTION IV

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

INTERLOCUTORY APPLICATION NO. 5

(Applications for Substitution to bring on record the Lrs. of deceased Respondent Nos. 2, 4 & 6.)

AND

INTERLOCUTORY APPLICATION NO. 6

(Applications for Condonation of Delay in filing Application for Substitution)

IN

CIVIL APPEAL NO. 8244 OF 2009

Naresh Kumari & Ors.

...Appellants

Versus

Chameli & Ors.

...Respondents

OFFICE REPORT

The Applications above mentioned were listed before the Chamber Judge on 13.01.2014 with the Office Report dated 02.12.2013, when the Court was pleased to pass the following Order:-

"Issue notice on the application for c/delay in filing application for substitution as well as on the application for substitution, returnable in six weeks."

It is submitted that notice was issued to the proposed Lrs. of deceased Respondent Nos. 2, 4 and 6 on 13.02.2014 by registered A.D post but neither A.D Cards nor unserved covers have been received back so far.

Pursuant to this Court's Order dt. 13/1/2014, the Application Nos. 5 & 6 in Civil Appeal No. 8244/2009 were listed before Chamber Judge on 24/3/2014, when the Court was pleased to pass the following Order:-

"List the matter after service of notice on the proposed Lrs. of deceased Respondent Nos. 2,4 and 6 is complete."

It is further submitted that the Service of Notice which was issued through Registered A.D. to the proposed Lrs. of deceased Respondent Nos. 2,4 & 6 on 13/2/2014, but still neither A.D. Card nor unserved envelopes received back so far. However, copies of Notice of Motion for effecting service on the proposed Lrs. of deceased Respondent Nos. 2, 4 & 6 were handed over to the Counsel for the Appellant. Now Counsel for the Appellant has filed Affidavit of Service of Notice of Motion along with proof of acknowledgment stating therein that service have been effected on all the proposed Lrs. of deceased Respondents through the process server of the concerned Civil Court. Thereafter, the matter was listed before the Ld. Registrar on 23/7/2014, when the Ld. Registrar passed the following Order:-

“The office report is that the service of notice already issued to the proposed Lrs., of the deceased Respondent Nos. 2, 4 & 6 is complete. Therefore, the I.As shall be processed for listing before the Hon'ble Judge in Chambers for further future directions....”

Hence, the Applications above-mentioned are listed before the Hon'ble Judge in Chamber with this Office Report.

Dated this the 05th day of August, 2014.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Ram Swarup Sharma, Advocate
2. Mr. B. Y. Kulkarni, Advocate

ASSISTANT REGISTRAR