

SECTION XVI

LISTED ON:19.02.2016

COURT NO.: 2

ITEM NO. : 501

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 16879 of 1996

WITH

INTERLOCUTORY APPLICATION NOS.18, 20, 21, 22, 23, 34, 35, 36, 37, & 38

(Application for intervention filed by M/s Shiv Sagar Tiwari, S.C. Patel, R.P.Goel and Aftab Ali Khan Advocates)

WITH

INTERLOCUTORY APPLICATION NO.1

(Application for Substitution of the deceased intervenor No.37 in I.A. No.18)

AND

INTERLOCUTORY APPLICATION NO.2

(Application for condonation of delay in bringing on record Lrs. Of deceased intervenor no.37 in I.A. No.18)

WITH

INTERLOCUTORY APPLICATION NOS. in I.A. No.18

(Application for permission to file additional documents by intervenors)

WITH

INTERLOCUTORY APPLICATION NO.20

(Application for impleadment as party respondent by Mr. Bijan Kumar Ghosh, Advocate)

WITH

CIVIL APPEAL NO.776 OF 1997(with I.A. for stay)

AND

CIVIL APPEAL NO.1789OF 1997

AND

CIVIL APPEAL NO.1790,2450,2453 OF 1997(alongwith application for stay)

AND

CIVIL APPEAL NO.334 OF 1997

WITH

INTERLOCUTORY APPLICATION NO.4

(Application for Intervention)

AND

CIVIL APPEAL NO.775 OF 1997(with application for stay)

AND

CIVIL APPEAL NO.1719 OF 1998

AND

SLP NO.2031/2001(Application for condonation of delay in filing SLP)

AND

SLP NO.6432/2001(Prayer for Interim Relief)

AND

CIVIL APPEAL NO.335 OF 1997

AND

CIVIL APPEAL NO.510 OF 1997

WITH

INTERLOCUTORY APPLICATION NO.7 & 8

(Application for impleadment party)

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AND

CIVIL APPEAL NO.509 OF 1997

AND

CIVIL APPEAL NO.2089 OF 2004

AND

SLP(CIVIL) 1416 OF 1997

WITH

INTERLOCUTORY APPLICATION NO.2 in SLP No.1416 of 1997

(Application for substitution to bring on record the Lrs. Of deceased respondent no.2)

AND

INTERLOCUTORY APPLICATION NO.3, 17, 39 & 40 IN SLP No.1416 of 1997

(Application for direction)

AND

INTERLOCUTORY APPLICATION NOS. 8A, 10, 11-16, 20, 21, 22-25, 28, 29, 31, 32, 33, 34, 42, 46 In SLP No.1416 of 1997

(Application for permission to file supplementary affidavit)

AND

INTERLOCUTORY APPLICATION NO.18 IN SLP NO.1416 of 1997

(Application for exemption from filing official translation)

AND

INTERLOCUTORY APPLICATION NO.35-37 In SLP No.1416 of 1997

(Application for impleadment, directions and exemption from filing official translation)

AND

INTERLOCUTORY APPLICATION NO.43 & 44 IN SLP No.1416 of 1997

(Application for permission to urge additional grounds)

AND

INTERLOCUTORY APPLICATION NO.1 IN INTERLOCUTORY APPLICATION NO 35 IN SLP NO.1416 of 1997

(Application for bringing Lrs of the applicant late Purushotam Das Achari on record)

AND

INTERLOCUTORY APPLICATION NOS. 19 & 45 In SLP NO.1416 of 1997

(Application for impleadments)

AND

INTERLOCUTORY APPLICATION NOS.47,48,49,50,51, IN SLP NO.1416 of 1997

(Application for interventions)

AND

INTERLOCUTORY APPLICATION NO.....In SLP NO.1416 of 1997

(Application for impleadment filed by Mrs. Sarla Chandra, Advocate on 15.11.11)

AND

INTERLOCUTORY APPLICATION NO..... IN SLP NO.1416 of 1997

(Application for impleadment filed by Mr. Ranjan K. Chourasia, Advocate)

AND

SLP NO.2031 OF 2009

WITH

SLP NO.6423 OF 2001

WITH

INTERLOCUTORY APPLICATION NO.

(Application for substitution)

AND

SLP NO.16664 OF 2007

(with prayer for interim relief)

SLP NO.25335 OF 2007

(with prayer for interim relief)

WITH

INTERLOCUTORY APPLICATION NO.1 and 2

(Application for Directions and application for permission to file additional documents)

**STATE OF WEST BENGAL AND ORS.
ETC.ETC.**

...Petitioners

Versus

PBBK SAMITY & ORS. ETC.ETC.

....Respondents

OFFICE REPORT

The matters above-mentioned were listed before the Hon'ble Court on 17.7.2014 when the Court was pleased to pass the following order:

(copy of order is enclosed)

Service Positions of the matters is as under:-

Civil Appeal No.16879 of 1996:

There are 13 respondents in the matter above-mentioned Mr. Somnath Mukherjee, Advocate has entered appearance on behalf of respondent nos. 1-3, 4-9 & 13. Ms. Sumita Ray, Advocate had filed vakalat/appearance on behalf of respondent no.4 Lrs of deceased respondent nos. 10-12 are brought on record vide court's order dated 06.01.2014 and are represented through Ms. Uttara babbar, Advocate. The service is complete.

It is submitted that M/s. R.P. Goel and Aftab Ali Khan Advocates have filed applications for permission to file additional documents on behalf of intervenors in I.A. Nos.18, 20, 22.

Civil Appeal No.334 of 1997:

There are originally 2 respondents and both are contesting respondents. Serial Nos. 3 to 8 allowed to intervene as intervenors vide court's order dated 05.12.2007 and serial nos. 9 to 10 have intervened vide

this court's order dated 11th May 2001. Both the respondents and intervenors are represented through M/s. Somnath Mukherjee, Shekhar Kumar and K.S. Rana, Advocates.

Civil Appeal No.775 of 1997:

Service of notice of lodgment of petition of Appeal is complete on sole respondent but no one has entered appearance on his behalf so far.

Civil Appeal No.776 of 1997:

There is sole respondent in the matter who has died. The Lrs nos. 1 to 6 of sole deceased respondent are represented through Mr. Shekhar Kumar, Advocate.

Civil Appeal No.1789 of 1997:

The sole respondent is represented through Mr. Bijan Ghosh, Advocate.

Civil Appeal No.1790 of 1997:

There are 16 respondents. Respondent No.1 is contesting respondent and respondent nos. 2 to 16 are proforma respondents. Service of notice of lodgment of petition of appeal is complete on all the respondents but no one has entered appearance on their behalf.

Civil Appeal No.2450 of 1997:

There are 5 respondents and are represented through Mr. Jay Salva, Advocate.

Civil Appeal No.2453 of 1997:

Service of notice of lodgment of petition of appeal is complete on the sole respondent but no one has entered appearance before this court so far.

Civil Appeal No.1719 of 1997:

It is submitted that there are 3 respondents in the matter above-mentioned and are represented through Ms. Mridula Bhardwaj, Advocate.

Civil Appeal No.335 of 1997:

It is submitted that there are 6 respondents in the matter above-mentioned. Respondent nos. 1, 3-5 are represented through Mr. Ranjan Mukherjee, Advocate appeal stands abated against respondent no.2 vide court's order dated 30.04.07.

Civil Appeal No.510 of 1997:

It is submitted that there are 94 respondents in the appeal above-mentioned. Mr. Somnath Mukherjee, Advocate has put in appearance on behalf of respondent nos. 4, 11, 15, 31, 36, 37, 44, 49-50, 60, 71, 73, 74, 76-77, 80 & 84-86. Miss Sumita Roy, Advocate has put in appearance on behalf of respondent nos. 1-3, 6-8, 12, 17, 19-23, 27, 29, 30, 33-35, 38-40, 51, 52 & 54-56. Lrs of deceased respondent nos. 14, 16, 25, 26, 41, 43, 47, 48, 53, 61, 65, 67, 75, 81 & 82 are brought on record vide court's order dated 13.01.2014 and are represented through Ms Uttara Babbar, Advocate. Respondent nos.28, 42, 45, 57, 72, 79 and 87 have been died and the appeal stands abated against the said respondents vide this court's order dated 1st May, 2001. The service of notice of lodgment of petition of appeal is complete on respondent nos. 5, 9, 10, 13, 18, 24, 32, 39, 46, 55, 58, 59, 62-64, 66, 68, 69, 70, 78, 83 & 88-94 but no one has entered appearance on their behalf.

Civil Appeal No.509 of 1997:

It is submitted that there are 28 respondents in the appeal above-mentioned. Respondent nos. 1, 2, 4-7, 9-14 are represented through Ms. Sumita Roy, Advocate. Respondent nos.23-27 through Mr. Somnath Mukherjee and respondent nos. 2, 7 and 16 through Shekhar Kumar, Advocates. Lrs of deceased respondent nos. 18 & 19

brought on record vide court's order 06.01.2014 and are represented through Ms. Uttara Babbar, Advocate. Appeal has been abated against respondent nos. 3, 8 and 28.

Civil Appeal No.2089 of 2004:

It is submitted that there are two respondents in the appeal above-mentioned and the both are represented through Mr. Anip Sachthey, Advocate.

Civil Appeal No.8355 of 1997:

It is submitted that there are 5 respondents in the matter. Respondent no. 1 to 4 are represented through Mr. Ranjan Mukherjee, Advocate. Respondent No5 has not entered appearance so far though served. The appeal is also ready for hearing ex-parte as against respondent no.5

SLP(C) No.1416 of 1997:

It is submitted that the service of notice is complete on behalf of the respondents in this matters. R-1(State) is represented through Mr. Anip Sachthey, Advocate but he has not filed counter-affidavit so far. R-2 has not entered his appearance so far though served.

It is further submitted that Mrs. Sarla Chandra and Mr. Rajan K. Chourasia, Advocate have filed applications for implement as party respondents. But the same are defective for the reason that copies have not been served on Mr. K.S. Rana, Advocate and affidavit in support of the applications is not attested respectively. Both applications are tagged with SLP paper-books as unregistered. Remaining applications for impleadment and interventions filed by different counsel have been registered and tagged with SLP paper-books.

SLP(C) No.6432 of 2001:

It is submitted that there are 6 respondents in the matter. Mr. Abhijit Sen Gupta, Advocate has put in appearance on behalf of respondent nos. 1, 2 and 4 and Mr. Rajiv Tyagi, Advocate has put in appearance on behalf of respondent no.3 and 5, but they have not filed their counter-affidavit so

far. Respondent no 6 though served by registered AD Post has not entered appearance so far. The service of notice is complete.

SLP(C) No.2031 of 2001:

It is submitted that there are 10 respondents in the matter. All the respondents have been already served by registered AD Post, but they have not entered their appearance so far. The service of notice is complete.

SLP(C) No.15441 of 2002:

It is submitted that the sole petitioner has died and his application for substitution to bring on record the Lrs has been filed, but the same is defective for the reason that counsel for the petitioner has not furnished the age of all the four legal representatives of deceased petitioner and also not taken any steps to served the unserved respondent Nos. 12 and 15 so far despite this Registry's letter dated 20th February, 2007.

SLP(C) No.16664 of 2007:

There are 5 respondent in this matter. Mr. Abhijit Bhattacharjee, Advocate has filed vakalatnama and counter-affidavit on behalf of all the respondents. Copy of the same is included in the paper-books.

SLP(C) No.25335 of 2007:

Mr. K.S. Rana, Advocate has filed vakalatnama and counter-affidavit on behalf of sole respondent. Counsel for the sole respondent has also filed two applications: (i) Directions and (ii) Petition to urge additional grounds. All the documents are included in paper-books.

SLP(C) No.26172 of 2008:

It is submitted that there are 3 respondents in this matter. Mr. Partha Sil, Advocate has entered appearance on behalf of all the three respondents and filed counter-affidavit on their behalf. Copy of the same is included in the paper-books.

SLP(C) No.26235 of 2012:

It is submitted that there are 2 respondent in this matter Mr. D.P. Mukherjee, Advocate has filed vakalatnama on behalf of respondent no.1 but counter-affidavit has not been filed so far.

It is further submitted that respondent no.2 has since been expired but counsel for the petitioner has not taken any step to bring the Lrs. Of deceased respondent no.2, despite this Hon'ble court's order dated 13.12.2013 passed by Hon'ble Judge in chamber (copy of the record of proceedings included).

SLP(C) No.58 of 2016:

The matter above-mentioned was listed before the Hon'ble court on 11.1.2016 when the court was pleased to pass the following order:-

"Issue notice.

In the meantime, there will be a stay of the operation of the judgment and order dated 13.10.2015 passed in WPLRT 184 of 2015 by the High Court of Calcutta.

Tag with C.A. NO.16879 of 1996"

Accordingly, due course notice was issued on 28.1.2016 to all 6 respondents by registered AD post.

The service is still awaited.

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

Dated this 18th day of February, 2016.

ASSISTANT REGISTRAR

Copy to:

- 1.Mr. Anip Sachthey, Advocate
- 2.Ms. Sumita Ray, Advocate
- 3.Mr. Somnath Mukherjee, Advocate
- 4.Ms. Uttara Babbar, Advocate
- 5.Mr. G.Ramakrishna Prasad, Advocate
- 6.Mr. Mukesh K. Giri, Advocate
- 7.Mr. Bijan Ghosh, Advocate

- 8.Mr. Jay Salva, Advocate
- 9.Mr. Shekhar Kumar, Advocate
- 10.Mr. Shiv Sagar Tiwari, Advocate
- 11.Ms. Mridula Bhardwaj, Advocate
- 12.Mr. Avijit Bhattacharjee, Advocate
- 13.Mr. Abhijit Sengupta, Advocate
- 14.Mr. V.N. Raghupathy, Advocate
- 15.Mr. Ranjan Mukherjee, Advocate
- 16.Ms. Ruby Singh Ahuja, Advocate
- 17.Mr. C.Balakrishna, Advocate
- 18.Mr. K.S. Rana, Advocate
- 19.Dr. Monika Gusain, Advocate
- 20.Mr. S.C. Patel, Advocate
- 21.Mr. Rameshwar Prasad Goyal, Advocate
- 22.Mr. Rajan K Chaurasiya, Advocate
- 23.Mr. Rauf Rahim, Advocate
- 24.Mrs. Sarla Chandra, Advocate

ASSISTANT REGISTRAR