

LISTED ON: 02.02.2017
COURT NO:
ITEM NO:

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

CIVIL APPEAL Nos. 4008-09 of 2014, 6510, 6637-38, 6967-68 and 6970-6971 of 2016

STATE OF MAHARASHTRA & ORS. ETC

...APPELLANTS

-VERSUS-

ARUN BABULAL PATIL & ORS. ETC

...RESPONDENTS

REVISED OFFICE REPORT

The Interlocutory Application Nos. 5-6 of 2016 (Application for stay) in C.A Nos. 4008-4009 of 2014 along with connected matters was listed before the Hon'ble Court on 15.07.2016 when the Court was pleased to pass the following Order:

"Delay condoned in all the SLPs. Leave granted in all the SLPs. The operation of the impugned judgments of the High Court shall remain stayed until further orders but we are informed that in one of the matter that is in Civil Appeal No.4008-4009/2014, since the orders of the High Court have been complied with by making necessary payments, therefore, we only observe that payment would be subject to the final result of the appeal.

Having regard to the nature of the issue, its financial implications and having regard to the fact of its peculiar issue, we direct that all these appeals be listed for hearing in the third week of November, 2016 on a Non-Miscellaneous Day.

In view of the fact that we have stayed the operation of the impugned judgments of the High Court in these matters, obviously the respondents would not be able to receive the money which they were found to be eligible by the High Court. Therefore, we deem it appropriate to observe that if in the event the State fails in these appeals, the State would make the payment of the amount due to the respondents under the impugned judgment with some reasonable interest as may be determined by this Court at the time of disposal of these appeals.

I.A.No.5-6/2016 in C.A. Nos.4008-4009/2014
stand disposed of."

CIVIL APPEAL NOS. 4008-09 of 2014

It is submitted that there are 12 common respondents in the matters above-mentioned. Respondent Nos. 1 to 9 and 11 are represented through M/s. R.P Goyal and T. Mahipal, Advocates respectively. Respondent Nos. 10 and 12 are served through High Court but no one has filed vakalatnama/appearance on their behalf so far.

Counsel for the parties have not filed statement of case so far.

Service is complete.

CIVIL APPEAL NOS. 6510, 6637-38, 6967-68 and 6970-6971 of 2016

It is submitted that there are 92, 101, 693 and 163 respondents respectively in the matter above-mentioned. Service of some of the respondents is incomplete in the matters as Mr. Nishant R. Katneshwarkar counsel for the appellants has not filed 78, 102, 694, 164 sets of spare copies of SLPs for issuance of Notice of Lodgment of Petition of Appeal in respect of unserved respondents in the matter above-mentioned.

It is further submitted that the matters were listed before the Ld. Registrar Court on 07.10.2016 with this position when the following order was passed:

"C.A. No. 6510/2016

Respondent Nos.1 to 72 are duly represented.

78 more spare copies to be filed for issuance of notice of lodgement of petition of appeal within two weeks' time. Notice thereafter be issued to the remaining respondents.

C.A. No. 6637-6638/2016

102 more spare copies to be filed for issuance of notice of lodgement of petition of appeal within two

weeks' time. Notice thereafter be issued to the remaining respondents.

C.A. No. 6967-6968/2016

694 more spare copies to be filed for issuance of notice of lodgement of petition of appeal within two weeks' time. Notice thereafter be issued to the remaining respondents.

C.A. No. 6970-6971/2016

164 more spare copies to be filed for issuance of notice of lodgement of petition of appeal within two weeks' time. Notice thereafter be issued to the remaining respondents.

List again on 12.12.2016."

It is submitted that in view of order dated 07.10.2016 Mr. Nishant R. Katneshwarkar, Advocate for the appellants instead of filing spare copies of SLP has on 16.11.2016 filed separate applications for exemption from filing spare copies of SLP in the appeals above-mentioned. The applications are registered as I.A No. 3 in C.A No. 6510 of 2016 and I.A Nos. 5-6 in C.A Nos. 6637-38, 6967-68 and 6970-6971 of 2016.

And the matters were again listed before the Ld. Registrar Court on 16.12.2016, when the Ld. Registrar was pleased to pass the following order:

"Application for exemption from filing spare copies of petition in compliance with the previous order is considered but the prayer is disallowed. As such, last opportunity is granted for filing spare copies in terms of previous order within two weeks' time and notice thereafter be issued. If copies are not filed within the given time period, Registry to process for listing before Hon'ble Judge-in-chambers for further directions and if copies are filed, issue notice to the unserved respondents forthwith and in that case, list again in this court on 01.02.2017."

It is lastly submitted that counsel for the appellants has not taken steps in compliance of order dated 16.12.2016 and office report for directions was listed before the Hon'ble Judge-in-chambers on 30.01.2017, when His Lordship was pleased to pass

the following order:

"List these matters after eight weeks."

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

Dated this the 01st day of February, 2017.

ASSISTANT REGISTRAR

Copy to:

Mr. Nishant R. Katneshwarkar, Advocate

Ms. Aparna Bhat, Advocate

Mr. T. Mahipal, Advocate

Mr. R.P. Goyal, Advocate

ASSISTANT REGISTRAR