

SECTION: XIV
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) No. 13075/2015

WITH

PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO. 3

(Application for permission to file additional documents)

M/S CALCUTTA HARDWARE STORES & ORS. ...PETITIONERS

VERSUS

SHRI NORBU TSHERING BHUTIA & ORS. ...RESPONDENTS

OFFICE REPORT

The matter above mentioned was listed before the Hon'ble Court on 24.04.2015, when the following Order was passed:-

"Delay condoned.

Issue notice.

Mr. Surya Kant, learned counsel, appears on caveat and accepts notice on behalf respondent no.1.

Let notice be issued to other respondents.

In the meanwhile, as prayed for, counter affidavit be filed by respondent no.1.

Status quo, as it exists today, with regard to the possession of the suit premises, shall be maintained by the parties, subject to the condition that the petitioner shall deposit the entire arrears of rent with the respondents within four weeks from today."

It is submitted that as directed above, show-cause notice to respondent No. 1 through Mr. Zangpo Sherpa, Advocate, and respondent Nos. 2 and 3 by Regd. A.D. was issued on 13.07.2015. M/s Arputham Aruna and Co., Advocates, have filed Vakalatnama/Appearance on behalf of respondent Nos. 2 and 3. but has not filed counter-affidavit Counsel appearing for respondent No. 1 has filed counter-affidavit and the same has been included in SLP paper books. Counsel appearing for

respondent No. 1 has on 08.02.2016 filed an application for permission to file additional documents (Regd. as I.A. No. 3) and the same has included in SLP paper books.

For non-filing of counter-affidavit on behalf of respondent Nos. 2 and 3, the matter was listed before the Court of Ld. Registrar on various dated and lastly listed on 28.07.2016, when the Court was pleased to pass the following order:-

"Despite last opportunity granted, respondent nos. 2 and 3 have not filed counter affidavit. As such, further opportunity is declined.

Respondent no.1 has already filed counter affidavit.

At this stage, ld. Counsel for the petitioner and respondent no.1 submit that the matter has been settled between the parties. As such, ld. Counsel appearing for the petitioner wants to withdraw the petition and wants time to file an application for the said purpose. Be filed within one weeks time. Registry to process thereafter."

It is submitted that the counsel for the petitioners has not filed any application for withdrawal of SLP so far.

It is further submitted that counsel appearing for respondent Nos. 2 & 3 has on 02.03.2017 filed counter-affidavit with the leave of Hon'ble Court and the same is being circulated herewith.

Service is complete.

The matter alongwith application above mentioned is listed before the Hon'ble Court with this office report.

DATED THIS THE 02nd DAY OF MARCH, 2017.

ASSISTANT REGISTRAR

COPY TO:

Mr. Avinash Kumar, Adv. Ch. No.16
Mr. Zangpo Sherpa, Advocate
Mr. Arputham Aruna & Co., Adv. Ch. No. 242
New Lawyers Chamber, SCI

ASSISTANT REGISTRAR

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