

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

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 10093-10094 OF 2016

WITH
INTERLOCUTORY APPLICATION NO.

(Application for deletion the name of Respondent Nos. 21 to 28)

AKHIL BHARTVARSHIYA MARWARI AGARWAL

JATIYA KOSH AND ORS.

....PETITIONERS

-VERSUS-

BRIJLAL TIBREWAL AND ORS.

...RESPONDENTS

OFFICE REPORT FOR DIRECTIONS

The matters above-mentioned along-with connected matter were listed before the Hon'ble Court on 04th April, 2016 when the Court was pleased to pass the following order:

"Delay condoned.

Issue notice.

Ms. Manju Jetly, learned counsel, accepts notice on behalf of respondent No. 1 in SLP CC Nos. 5530-5531 of 2016.

Counter affidavit may be filed within six weeks.

Rejoinder, if any, may be filed within two weeks, thereafter.

No further steps shall be taken pursuant to the deemed conveyance which is granted in favour of the respondents in SLP CC No. 5981 of 2016.

The matters be listed after the completion of pleadings."

It is submitted for the information of the Hon'ble Court that there are twenty eight respondents in the instant matters. Ms. Sangeeta Kumar, Advocate has filed vakalatnama/appearance and counter-affidavit on behalf of respondent Nos. 1 to 17. Counter-affidavit has been included in the paper-books. Ms. Meera Mathur, Advocate has filed vakalatnama/appearance on behalf of respondent No. 18 but no counter-affidavit has been filed so far. Neither A. D. cards nor unserved covers have been received in respect of respondent Nos. 19 to 28.

Thereafter, the matters above-mentioned along-with connected matter were listed before the Court of Registrar on 09th January, 2017 when the following Order was passed:

"Respondent nos. 1 to 17 ave already filed counter affidavit.

Respondent no.18 is granted one weeks time, as prayed, for filing counter affidavit.

Ld. Counsel for the petitioner to take fresh steps to effect service on respondent nos. 19 and 20 within two weeks time. Notices thereafter be issued.

Ld. Counsel for the petitioner seeks time for filing appropriate application with regard to respondent nos. 21 to 28. Be filed within two weeks time. Registry thereafter to process under rules."

And lastly, the matters above-mentioned along-with connected matter were listed before the Court of Registrar on 27th January, 2017 when the following Order was passed:

"Respondent Nos.1 to 17 have already filed counter affidavit in both the matters.

Four weeks' time, as last opportunity, is granted to respondent No.18 for filing counter affidavit.

The Ld. Counsel for the petitioner has neither taken steps for service of respondent Nos.21 to 28 nor an application as prayed for on the previous date has been made.

Registry to process both the matters for listing before the Hon'ble Judge in Chambers for further directions."

It is submitted that pursuant to Ld. Registrar Court's order dated 09.01.2017, counsel for the petitioners has on 24.01.2017 taken fresh steps and filed spare copies and notice has been issued. As per tracking report, unserved notice in respect of respondent Nos. 19 and 20 have been received back at New Delhi GPO with postal remarks "Item Delivery Attempted: Straight Window Next."

It is further submitted that pursuant to Ld. Registrar Court's order dated 27.01.2017, counsel for the petitioners has on 02.03.2017 filed an application for deletion the names of respondent Nos. 21 to 28 which is defective for the reason that petitioner affidavit in support of application is not filed so far. Counsel for the petitioner has not done the needful despite this Registry's letter dated 08.03.2017. Hence unregistered application is placed before Hon'ble Chamber Judge.

The office report for directions in the matter above mentioned is listed before the Hon'ble Judge-in-chambers with this report.

Dated this the 23rd day of March, 2017.

ASSISTANT REGISTRAR

Copy to:

Mr. Jatin Zaveri, Advocate
Ms. Sangeeta Kumar, Advocate
Ms. Meera Mathur, Advocate
Ms. Manju Sharma Jetley, Advocate

ASSISTANT REGISTRAR