

SECTION – XVI

LISTED ON : 06.09.2016
COURT NO. : R-2
ITEM NO. : 30

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

REVIEW PETITION(C) NO.1483 OF 2015
IN
CIVIL APPEAL(C) NO. 2402 OF 2015

MANI SQUARE LTD. & ANR.

... APPELLANTS

-VERSUS -

NEMAI CHANDRA KUMAR & ORS.

... RESPONDENTS

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 09.03.2016, when the Court was pleased to pass the following Order :

"Mr. Jaideep Gupta, learned senior counsel appearing for respondent nos.1 to 6 submitted that this Court should have issued notice prior to listing the matter before this Court. For the said purpose, he has placed reliance on the concurring opinion in P.N. Eswara Iyer and Ors. vs. Registrar, Supreme Court of India, [(1980) 4 SCC 680].

Having heard learned counsel for the petitioner, we are of the considered opinion that the said objection is misplaced and accordingly stands rejected.

It is submitted by Mr. Sumit Goel, learned counsel appearing for the Mani Square Ltd., the 1 st respondent in Civil Appeal no.8297 of 2014, that the money has not been withdrawn. Be it noted, the name of the respondent is 'Mani Square Ltd.' but by mistake it has been mentioned as 'Manish Goel' vide order dated 11.05.2015. Be that as it may, the money lying in deposit in Court shall not be withdrawn till the review petition is disposed of.

Mr. P. Chidambaram and Dr. Abhishek Manu Singhvi, learned senior counsel for the petitioner submitted that the State and other parties in the civil appeal are necessary parties and, therefore, they may be permitted to implead them as parties to the review petition.

They are permitted to do so subject to payment of cost of Rs.50,000/- which shall be paid to Nema Chandra Kumar, 1st respondent, in the review petition. The said amount shall be deposited within a week hence.

..2/-

After the new respondents are added as parties, notice shall be issued to the newly added respondents so that there will be no cavil over the service.

As Mr. Jaideep Gupta, learned senior counsel being assisted by Ms. Ranjeeta Rohatgi, learned counsel, has entered appearance on behalf of respondent nos.1 to 6, no further notice need be issued qua them."

It is submitted that Mr. Gaurav Khanna, Advocate, has on 15.03.2016 deposited the cost and proof of deposit of Rs.50,000/- which was paid directly to Respondent No.1. Accordingly, Respondent Nos.7 to 15 have been impleaded and Notice was issued to Respondent Nos.7 through Mr.Parijat Sinha, Advocate, and 8 to 15 through registered AD post. Mr. Parijat Sinha, Advocate, has not filed counter affidavit so far.

It is further submitted that unserved cover containing notice have been received back from Respondent Nos.13 & 15 with remarks "addressee moves". Neither AD card nor unserved cover containing notice has been received back from Respondent Nos.8 to 12 and 14, so far. Service of notice is incomplete on behalf of Respondent Nos.8 to 15.

And the matter above-mentioned was listed before the Ld. Registrar's Office during Summer Vacation on 24.06.2016, when he was pleased to pass the following Order:

"Counsel for Appellant to furnish the fresh address of Respondent Nos.13, 15 and also to take steps to serve the unserved R.No.8-12 and 14.

Inform the Counsel accordingly.

Listed on 06.09.2016."

It is submitted that Mr. Gaurav Khanna, Counsel for Petitioners, has filed fresh address of Respondent Nos.13 & 15 and spare copies. Accordingly, Notice was issued to Respondent Nos.8 to 15. As per postal tracking report, service of notice is complete for Respondent Nos.8 to 12 and 14. But no one has entered appearance on their behalf so far. Service is still awaited on Respondent Nos.13 & 15.

The Review Petition above-mentioned is listed before the
Ld.Registrar's Court with this office report.

DATED THIS THE 5th DAY OF September, 2016.

ASSISTANT REGISTRAR

Copy to:- Mr. Gaurav Khanna, Advocate
Ms. Ranjeeta Rohatgi, Advocate
Mr. Parijat Sinha, Advocate

ASSISTANT REGISTRAR