

LISTED ON : 09-09-2016

NO.: 3

BEFORE COURT

12

ITEM NO.:

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

INTERLOCUTORY APPLICATION NO. 4

(Application for substitution of LR's of deceased respondent Nos. 1 and 8)

AND

INTERLOCUTORY APPLICATION NO. 5

(Application for condonation 42 and 915 days of delay in filing substitution of LR's of deceased respondent Nos. 1 and 8)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 31212 OF 2014

PANKAJBHAI RAMESHBHAI ZALAVADIYA

....PETITIONER

-VERSUS-

JETHABHAI KALABHAI ZALAVADIYA & ORS.

...RESPONDENTS

OFFICE REPORT FOR DIRECTIONS

The SLP above-mentioned was listed before the Hon'ble Court on 17th November, 2014 when the Court was pleased to pass the following Order:-

"Delay condoned.
Exemption from filing
O.T. is allowed.
Issue notice."

It is submitted for the information of the Hon'ble Court that there are eight respondents in the instant matters. Ms. Anushree Kapadia, Advocate has filed vakalatnama/appearance and counter-affidavit on behalf of respondent No. 7 which has already been included in the paper-books. A. D. cards duly signed have been received back from respondent Nos. 4 to 6 but no

one has entered appearance on their behalf so far. Neither A. D. cards nor unserved covers have been received back from respondent Nos. 2 and 3 so far.

It is further submitted that respondent Nos. 1 and 8 have expired and Mr. Nikhil Goel, Advocate counsel for the petitioner has filed an application for substitution to bring on record the LRs of deceased respondent Nos. 1 and 8 along-with application for condonation of delay of 42 days and 915 days respectively in filing the application for substitution. In respect of deceased respondent No. 1, he has stated in the application that his LRs are already on record as respondent Nos. 3 to 7. The Applications are registered as Interlocutory Application Nos. 4 & 5. Ms. Anushree Prashit Kapadia, Advocate has reply filed in Interlocutory Application No. 4 which have been included in paper-books. The said application were listed before the Hon'ble Judge in chamber on 8th August 2016 when the court was pleased to pass the following Order:-

"Learned counsel for the respondents submits that reply has already been filed in I.A.No.4/2016. Learned counsel for the respondents is granted two weeks' time to serve copy the same on the applicant.

Liberty is granted to the applicant to file rejoinder, if any.

Post all the applications before the Court."

It is further submitted that no Rejoinder Affidavit has been filed in the application so far.

Service of notice is not complete on respondent nos. 2 & 3 in the SLP.

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

Dated this the 8th day of September, 2016.

ASSISTANT REGISTRAR

Copy to:

Mr. Nikhil Goel, Advocate

Ms. Anushree Prashit Kapadia, Advocate

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ASSISTANT REGISTRAR