

Chamber Matter

Listed on: 17.01.2017

Court No.

Item No.

SECTION XIA
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION Nos. 2 to 5

(Application for substitution, setting aside abatement and condonation of delay in filing substitution and exemption from filing original death certificate in respect of deceased sole Respondent)

IN

CIVIL APPEAL No. 9016 OF 2014

WITH

CIVIL APPEAL Nos. 9018 AND 9241 OF 2014

WITH

INTERLOCUTORY APPLICATION NO. 2

(Application for substitution to bring on record the Lrs. of deceased sole Respondent)

IN

CIVIL APPEAL Nos 9238 OF 2014

State of Kerala & Anr. Etc.

...Appellants

Versus

P.T. Varghese (Dead) Etc.

...Respondents

OFFICE REPORT

The matters above mentioned were listed alongwith connected matters before the Court of Ld. Registrar on 17th October, 2016, when the Ld. Registrar Court was pleased to pass the Order dated 17.10.2016 (Copy of Order dated 17.10.2016 is enclosed herewith).

The position of the each matters is given below:

C.A. No. 9016 of 2014

It is submitted that counsel for the Appellant has filed application for substitution to bring on record the proposed Lr. Nos. 1 to 4 of deceased sole Respondent. Mr. V. Shyamohan, Advocate has filed vakalatnama/appearance on behalf of Lrs. Nos. 1 to 3 only. Counsel for the Appellant has filed the process fees and fresh address (As per the fresh address given the proposed Lrs. No. 4 resides in U.S.A) of unserved proposed Lr. No. 4 which is barred by time by 104 days from the date of by Ld. Registrar's Order dated 30.06.2016.

The service of Chamber summons on proposed Lr. No. 4 is not complete.

...2/-

C.A. Nos. 9018 & 9241 of 2014

There is sole Respondent (Common in both the matters). Counsel for appellant has not taken appropriate steps in respect of unserved sole Respondent. As per the certificate of service sent by the High Court concerned "The sole Respondent is lying in an unconscious state due to paralysis and the daughter of sole Respondent has refused to accept the notice. Counsel for the Appellant has on 10.11.2016 again filed spare copy instead of taking alternative proper steps in respect of the unconscious Respondent.

The service is not complete in both the appeals.

C.A. No. 9238 of 2014

It is submitted that there are 3 Respondents in the matter and all were stated to be the Lrs. of deceased Mr. A. Poullose in the Petition. The Counsel for the Appellant has on 07.10.2016 filed an application for substitution to bring on record the Respondent No. 3 as Lrs. of deceased Respondent stating therein that Ms. Emy Paul, Respondent No. 3 is the remaining Respondent. The counsel has neither filed death certificate of both the deceased Respondents Nos. 1 and 2 nor informed the date of death hence limitation of taking steps could not be assessed.

The service is complete.

The office report for directions in the matters above mentioned is listed before the Hon'ble Judge in Chambers with this report.

Dated this the 16th day of January, 2017.

Sd/-
ASSISTANT REGISTRAR