

Section XI-A**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL Nos. 3674, 3681, 3682, 3683, 8789, 8790 OF 2015, 2036 OF 2010,
8478 OF 2012, SLP (C) NO. 35599, 28797, 35211 OF 2015 AND SLP (C).....CC NO.
22129 OF 2015**

WITH

INTERLOCUTORY APPLICATION No. 6 in C.A No. 3674 of 2015

(Application for condonation of delay in filing additional documents)

AND

INTERLOCUTORY APPLICATION No. 7 in C.A No. 3674 of 2015

(Application for exemption from filing official translation)

AND

INTERLOCUTORY APPLICATION No. 8 in C.A No. 3674 of 2015

(Application for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION No. 9 in C.A No. 3674 of 2015

(Application for permission to file for directions for filing official translation)

AND

INTERLOCUTORY APPLICATION NOS. 4 & 5 in C.A. No. 2036 of 2010

(Application for permission to file additional documents with exemption from filing
official translation)

AND

INTERLOCUTORY APPLICATION NO. 6 in C.A. No. 2036 of 2010

(Application for permission to file additional documents with Affidavit)

AND

INTERLOCUTORY APPLICATION NO. 3 in C.A. No. 8789 of 2015

(Application for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION NO. 4 in C.A. No. 8789 of 2015

(Application for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION NOS. 5 & 6 in C.A. No. 8789 of 2015

(Application for permission to file additional documents & application for exemption
from filing official translation)

AND

INTERLOCUTORY APPLICATION NO. 2 in SLP No. 35599 of 2015

(Application for directions alongwith Annexures A-1 to A-5)

AND

INTERLOCUTORY APPLICATION NO. 1 in I.A. NO. 2 in SLP No. 35599 of 2015

(Application for permission to file additional documents in I.A. No. 2)

AND

INTERLOCUTORY APPLICATION NO. 2 in C.A. No. 8478 of 2012

(Application for intervention filed by Mr. P.K. Manohar)

AND

INTERLOCUTORY APPLICATION NO. 3 in C.A. No. 8478 of 2012

(Application for directions filed by Mr. P.K. Manohar)

AND

INTERLOCUTORY APPLICATION NO. 10 in C.A. No. 3674 of 2015

(Application for permission to file Additional Documents)

INTERLOCUTORY APPLICATION NO. 11 in C.A. No. 3674 of 2015

(Application for exemption from filing Official Translation)

K.S. Varghese & Ors.

...Appellants

Versus

St. Peter's & Paul's Syrian Orth. & Ors.

...Respondents

REVISED OFFICE REPORT

CIVIL APPEAL Nos. 3674, 3681, 3682, 3683, 8789, 8790 OF 2015, 2036 OF 2010

The appeals above-mentioned alongwith other connected appeals were listed before the Hon'ble Court on 11.02.2016 when the Court was pleased to pass the following order:-

“None appears for the appellants on call.

However, in the interests of justice, we adjourn the case to 16th March, 2016 with liberty to the respondents to make a mention for being taken out of turn.”

The Civil Appeal No. 3674 of 2015 was mentioned before the Hon'ble Court on 09.03.2016, when the Court was pleased to pass the following order:

“List this appeal along with other connected matters on 12th April, 2016”

C.A. No. 3674 of 2015

It is submitted that Mr. A. Raghunath, counsel for the Appellant has on 24.10.2016 filed applications for permission to file additional documents and for exemption from filing official translation but he has not served its copy on M/s. Vishnu Sharma, P.K. Manohar and R.S. Jena, Advocates for Respondent Nos. 3, 10 & 12 and 14 respectively. However the same has been placed with appeal paper books for the kind perusal of the Hon'ble Court.

C.A. Nos. 8789 and 8790 of 2015

It is submitted that Mr. P.K. Manohar, counsel for the Appellant has on 17.03.2016 and on 19.03.2015 filed two applications i.e. application for permission to file additional documents and application for exemption from filing official translation as well as the statement of case and the applications have been registered as I.A. Nos. 5 & 6 respectively (The same has been included in appeal paper books for the kind perusal of the Hon'ble Court).

It is further submitted in view of Ld. Registrar Court's Order dated 02.09.2016 (Copy included in appeal paper books) Mr. P.K. Manohar, counsel for the Appellant has on 07.10.2016 filed fresh address of unserved Respondent No. 12 namely Mr.

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Binoy Varghese in C.A. No.8789 of 2015 who is common Respondent No.10 in C.A. 8790 of 2015 stating therein that he is residing in United Kingdom but has on 24.10.2016 filed one spare copy of Petition of Appeal in C.A. No. 8789 of 2015 which is insufficient and has also not filed the requisite process fee, hence fresh notice of lodgement of petition of appeal could not be issued.

It is further submitted that Mr. E.M.S. Anam, counsel for Respondents in C.A. No. 8789 of 2015 has on 08.10.2016 filed counter affidavit on behalf of Respondent Nos. 1 to 6 (The same is placed with appeal paper books for the kind perusal of the Hon'ble Court).

The service is complete in all the Appeals except on Respondent No. 12 in Civil Appeal No. 8789 and common Respondent No. 10 in Civil Appeal No. 8790 of 2015.

Original Records in respect of Civil Appeal Nos. 3674, 3681, 3682 & 3683 of 2015 are available with the Registry for the kind perusal of the Hon'ble Court.

CIVIL APPEAL No. 8478 of 2012

The instant matter was listed on being mentioned before the Hon'ble Court on 25.02.2016, when the Court was pleased to pass the following Order:-

“It is stated that Civil Appeal No.3674 of 2015 and other connected matters are fixed for hearing on 16th March, 2016. Accordingly, this appeal be listed along with the aforesaid cases on 16th March, 2016 at the top of the list.”

Service of notice of lodgement of petition of appeal is complete.

As per direction Original record has been returned to the concerned High Court.

It is submitted that Mr. A. Raghunath, Advocate for appearing respondents has filed statement of case (Copy of the same has been included in appeal paper books for the kind perusal of the Hon'ble Court) but Mr. E.M.S. Anam, Advocate for appellant and Mr. Sanjay Jain, Advocate for Respondent Nos. 6, 7 and 23 have not filed statement of case so far.

It is further submitted that Mr. P.K. Manohar, Advocate has on 13.04.2016 filed application for intervention along with application for directions on behalf of applicant Nos. 1 to 29 with vakalatnama/appearance on behalf of same (registered as I.A. Nos. 2 & 3) (Copy of the same has been placed with appeal paper books for the kind perusal of the Hon'ble Court).

It is further submitted that when copy of intervention was served upon Mr. E.M.S. Anam, Advocate for Respondent, the counsel has made an objection on the

...4/-

Filing Memo that not to register applications without the leave of Hon'ble Court.

SLP (C) No. 35599 of 2015

The application for directions (I.A. No. 2) in the matter above-mentioned was listed before the Hon'ble Court on 13.05.2016 when the Court was pleased to pass the following order:

“Issue notice.

Tag with Civil Appeal No. 3674 of 2015.

We are informed, that the church in question has been closed since 7.1.2012. We accordingly direct, that the status quo shall be maintained by both the parties, till the main case pending before this Court is finally disposed of.”

It is submitted that in view of order quoted above notice on the I.A. was issued on 26.05.2016 to all the 29 Respondents through Registered A.D. Post. A.D. cards have been received from all the 29 Respondents except Respondent Nos. 5, 6, 17 and 22 but no one has entered appearance on their behalf so far.

Service of notice is not complete on Respondent Nos. 5, 6, 17 and 22 in I.A. No. 2 in SLP (C) No. 35599 of 2015.

SLP (C) No. 28797 of 2015

The matter above-mentioned was listed before the Hon'ble Court on 05.10.2015, when the Court was pleased to pass the following order:

“Delay condoned.

The special leave petition is dismissed.

Pending applications stand disposed of.”

It is submitted that Mr. V.K. Biju, counsel for the Petitioner has on 04.01.2016 filed Review Petition in the instant matter and was circulated before the Hon'ble Judge in Chambers on 01.04.2016, when the Court was pleased to pass the following order:

“Having heard learned counsel for the applicants as well as the respondent(s), we are of the view that the order passed by this Court on 05.10.2015 dismissing the special leave petition and order dated 11.12.2015 dismissing the application for modification should be recalled and the main special leave petition should be restored to its original number.

Accordingly, the instant review petition is allowed. Orders dated 05.10.2015 and 11.12.2015 are recalled and the special leave petition is restored to its original number.

Tag the special leave petition with Civil Appeal No. 3674 of 2015.”

In view of aforesaid order SLP (C) No. 28797 of 2015 has been restored to its original number and same is listed before the Hon'ble Court.

SLP (C) No. 35211 of 2015 AND SLP (C)...CC No. 22129 of 2015

These fresh matters were listed before the Hon'ble Court on 08.01.2016 when the Court was pleased to pass the following order:

“List these matters along with Civil Appeal No.3674 of 2015. If there is any urgency in these matters, liberty is granted to the petitioners to mention before appropriate Bench for appropriate relief.”

The matters and applications above-mentioned are listed before the Hon'ble Court with this office report.

Dated this the 25th day of October, 2016.

Sd/-
ASSISTANT REGISTRAR