

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...(Unregistered) in C.A. No. 8478 of 2012
(Application for directions filed by Mr. P.K. Manohar)

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”

It is submitted that Mr. P.K. Manohar, counsel for the Appellant has on 17.03.2016 filed two applications i.e. application for permission to file additional documents and application for exemption from filing official translation in Civil Appeal No. 8789 of 2015, which is 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 that Mr. P.K. Manohar, counsel for the Appellant has on 19.03.2016 filed statement of case on behalf of Appellant in Civil Appeal No. 8789 of 2015 (The same has been included in appeal paper books for the kind perusal of the Hon'ble Court).

It is further submitted that Mr. P.K. Manohar, counsel for the Appellant has on 07.10.2016 filed fresh address in respect of Respondent No. 12 (In C.A. No. 8789 of 2015) but he has not filed spare copy, so fresh notice of lodgment of petition of appeal to unserved Respondent No. 12 could not be issued.

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It is further submitted that Mr. E.M.S. Anam, counsel for Respondents in C.A. No. 8789 of 2015 has 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 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.

As per directions Original Record in respect of Civil Appeal No. 2036 of 2010 has been sent back to the concerned High Court.

It is further submitted that statement of case on behalf of Appellant has also been filed in Civil Appeal Nos. 3674 & 3681 of 2015 and counsel for both the parties in Civil Appeal No. 2036 of 2010 have filed their respective statement of case which have been included in Appeal paper books 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.”

There are 24 Respondents in the matter above mentioned. Respondent Nos. 5, 8, 10-12, 14, 15, 17, 20, 22 & 24 and 6, 7 and 23 are represented by M/s. A. Raghunath and Sanjay Jain, Advocates respectively. Respondent Nos. 1 to 3, 13, 16, 18 and 21 have been served with notice at SLP stage. Respondent Nos. 4, 9 and 19 deleted from array of parties vide Hon'ble Chamber Judge Order dated 05.10.2009. (cause title has been amended accordingly).

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 and 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 on behalf of applicant Nos. 1 to 29 with vakalatnama/appearance on behalf of same (registered as I.A. No. 2) along with application for directions and the same has been included as unregistered 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 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 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 SLP (C) No. 28797 of 2015 against Court's order dated 05.10.2015 and the same was registered as Review Petition No. 32 of 2016 and was

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listed 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

The matters above mentioned 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 17th day of October, 2016.

Sd/-
ASSISTANT REGISTRAR