

LISTED ON : 23.02.2017
COURT NO.:
ITEM NO. :

SECTION- XII A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NOS. 7-8 OF 2017

(Application for Impleadment filed by Mr. Prashant Chaudhary, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 17-18 AND 19-20 OF 2017

(Application for Directions and Permission to file additional documents filed by Mr. Prashant Chaudhary, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 9-10 OF 2017

(Application for Impleadment filed by Mr. Krishan Kumar Singh, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 21-22 OF 2017

(Application for Recall of order dated 17th November. 2016 filed by Mr. Krishan Kumar Singh, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 11-12 OF 2017

(Application for Impleadment filed by Mr. V.R. Anumolu, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 23-24 OF 2017

(Application for directions filed by Mr. V.R. Anumolu, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 13-14 OF 2017

(Application for Impleadment filed by Mr. Umesh Kumar Khaitan, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 25-26 OF 2017

(Application for directions filed by Mr. Umesh Kumar Khaitan, Advocate)

AND

INTERLOCUTORY APPLICATION NOS. 15-16 OF 2017

(Application for Impleadment filed by M/S. Rambabu & Co., Advocates)

AND

INTERLOCUTORY APPLICATION NOS. 27-28 OF 2017

(Application for directions filed by M/S. Rambabu & Co., Advocates)

IN

CIVIL APPEAL NOS. 3256-3257 OF 2016

M/S. COMMERCIAL AND INDUSTRIAL FINANCE
PVT. LTD. & ANR.

...APPELLANTS

-VERSUS-

SMT. SURUCHI CHAND & ORS.

...RESPONDENTS

REVISED OFFICE REPORT

The matters above-mentioned alongwith connected matter were listed before the Hon'ble Court on 29th March, 2016, when the Hon'ble Court was pleased to inter-alia pass the following order:-

“SLP(C) NOS.31070-31071/2012 & SLP(C) NOS.
25016-25017/2013

Heard the learned counsels for the parties.

Permission to file/place additional documents and
to file synopsis and list of dates is granted.

Leave granted in the Special Leave Petitions.

Hearing expedited and fixed in the month of
October, 2016.

Interim order dated 2nd September, 2013 to
continue until further orders.”

Subsequently, the matters above-mentioned alongwith connected matter were
listed before the Hon'ble Court on 17th November, 2016, when the Hon'ble Court
was pleased to pass the following order:-

**“The principal bone of contention between the
parties in the present matters is with regard to sale of the
immovable properties as described in third and fourth award
dated 2nd April, 1994 and 20th February, 1996 respectively.**

**Learned counsels for the parties suggest that
though the matter is pending in execution before the
Competent Court the whole process can be expedited and the
litigation brought to an end by directing sale of the aforesaid
properties through a Court Appointed Receiver, whereafter, the
proceeds will be dealt with in accordance with law and in terms
of the third and fourth award dated 2nd April, 1994 and 20th
February, 1996 respectively.**

**We order accordingly and appoint Shri Justice L.
Narasimha Reddy, Chief Justice (Retd.), Patna High Court,
subject to his consent, as Receiver to do the aforesaid exercise
in accordance with law and within a period of four months from
today whereafter the result thereof will be placed before the
Court.**

**Both the parties will naturally cooperate with the
Court Appointed Receiver to ensure that the order of this Court
stand fully complied with.**

List the matters after four months.

**The remuneration etc. of the Court Appointed
Receiver is left to be decided by the Court Appointed Receiver
in consultation with the parties.**

**Let this order be communicated to the Court
Appointed Receiver so that the proceedings can commence and
conclude as expeditiously as possible.”**

It is submitted to the Hon'ble Court that pursuant to Court's order dated 29th March,
2016, counsel for the Appellant/ Respondent has not filed/placed any additional
documents so far.

It is further submitted that counsel for the Appellant, Mr. Pramod B. Agarwala, Advocate has not filed copy of the petition despite this Registry's letter dated 18th May, 2016. Therefore, Notice of Lodgment Petition of Appeal could not be issued.

It is also submitted that Mr. Prashant Chaudhary, Advocate has on 16th February, 2017 filed Application for Impleadment of applicants as party respondents. The Counsel has also filed application for directions and application for permission to file the same alongwith Vakalatnama/Appearance of the applicants. The application for impleadment has been registered as I.A. Nos.7-8 of 2017. The application for Impleadment alongwith applications for directions and permission to file Additional Documents(in the form of paper books) have been registered as I.A. Nos. 17-18 and 19-20 and are placed with Appeal paper books.

It is also submitted that Mr. Krishna Kumar Singh, Advocate has on 16th February, 2017 filed Application for Impleadment of applicants as party respondents. The Counsel has also filed application for recall of order dated 17th November, 2016 alongwith Vakalatnama/Appearance of the applicants. The application for impleadment and application for recall have been registered as I.A. Nos.9-10 and 21-22 of 2017, respectively. The application for Impleadment alongwith application for recalling(in the form of paper books) are placed with Appeal paper books.

It is also submitted that Mr. V.R. Anumolu, Advocate has on 20th February, 2017 filed Application for Impleadment of applicants as party respondents. The Counsel has also filed application for directions alongwith Vakalatnama/Appearance of the applicants. The application for impleadment and directions have been registered as I.A. Nos.11-12 and 23-24 of 2017, respectively. The application for Impleadment alongwith applications for directions (in the form of paper books) are placed with Appeal paper books.

It is also submitted that Mr. Umesh Kumar Khaitan, Advocate has on 20th February, 2017 filed Application for Impleadment of applicants as party respondents. The Counsel has also filed application for directions alongwith Vakalatnama/Appearance of the applicants but some annexures are in dim impression. The applications for impleadment and directions has been registered as I.A. Nos.13-14 and 25-26 of 2017, respectively. The application for Impleadment alongwith applications for directions (in the form of paper books) are placed with Appeal paper books.

It is also submitted that M/s. Rambabu & Co., Advocates has on 22th February, 2017 filed Application for Impleadment of applicants as party respondents. The Counsel has also filed application for directions alongwith Vakalatnama/Appearance of the applicants. The applications for impleadment and directions have been registered as I.A. Nos.15-16

and 27-28 of 2017, respectively. The application for Impleadment alongwith applications for directions (in the form of paper books) are placed with Appeal paper books.

Service position of each matter are as under :

C.A. No. 3256 of 2016:

It is submitted that there are 25 respondents in the matters. Mr. Abhay Kumar, Advocate has filed counter-affidavit on behalf of Respondent Nos. 1 to 3 at SLP stage but he has not filed Vakalatnama/Appearance on behalf of Respondent Nos. 2 and 3. (also Appellants in CA Nos. 3253-3254 of 2016 arising out of SLP (C) Nos. 31070-31071 of 2012).

It is further submitted that Ms. Praveen Gautam, Advocates have entered appearance on behalf of Respondent Nos.1, 4, 9 and 23 respectively. Ms. Praveen Gautam, Advocate has not filed counter affidavit on behalf of Respondent Nos. 4 and 9 and 23 so far. Ms. Sushma Suri, Advocate has entered appearance on behalf of Respondent No. 24 and opportunity of filing counter affidavit rejected vide Ld. Registrar's Order dated 22nd September, 2015. Service is complete on Respondent Nos. 11, 13 and 15 through A.D. Card, but no one has entered appearance on their behalf so far. Service is complete on Respondent Nos. 5 to 8, 10, 12, 14, 16 to 22 through paper publication but no one has entered appearance so far. Service is complete on Respondent No. 25 at SLP stage through affidavit with proof of service but no one has entered appearance so far.

C.A. No. 3257 of 2016:

It is submitted that there are six Respondents in the matter. Mr. Abhay Kumar, Advocate has filed counter-affidavit on behalf of Respondent Nos. 1 to 3 without filing Vakalatnama/Appearance on behalf of Respondent Nos. 2 and 3 (who is Appellant in connected CA Nos. 3253-3254 of 2016 arising out of SLP (C) Nos. 31070-31071 of 2012) and Ms. Sushma Suri, Advocate has not filed counter affidavit on behalf of respondent no. 5. Service is complete on Respondent No. 4 through paper publication but no one has entered appearance so far. Ms. Sushma Suri, Advocate has entered appearance on behalf of Respondent No.5 and opportunity of filing counter affidavit rejected vide Ld. Registrar's Order dated 22nd September, 2015. Respondent No. 6 is common as Respondent No. 25 in SLP (C) No. 25016 of 2013 and service is complete on Respondent No. 25 in connected SLP through affidavit of service but no one has entered appearance so far.

It is further submitted that counsel for the parties have not filed statement of case so far.

Service is complete at SLP stage.

The above applications were mentioned before the Hon'ble Court on 21st February,

2017 when the Hon'ble Court was pleased to pass the following order:

“List all the applications on 23rd February, 2017.”

Accordingly, the applications above mentioned in the appeals are listed before the Hon'ble Court with this revised office report.

Dated this, the 22nd day of February, 2017.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Pramod B. Agrawala, Advocate, C-34, Neeti Bagh
2. Mr. Abhay Kumar, Advocate, Ch. No. 104, SCI
3. Ms. Sushma Suri, Advocate, Central Agency
4. Ms. Praveen Gautam, Advocate,
3, L.G.F. Abul Fazal Road Bengali Market
5. Mr. Krishna Kr. Singh, Advocate
6. Mr. V.R. Anumolu, Advocate
7. Mr. Prashant Chaudhary, Advocate
8. Mr. Umesh Kr. Khaitan, Advocate
9. M/s. Rambabu & Co., Advocates

ASSISTANT REGISTRAR