

CIVIL APPEAL NO. 3010 OF 2020

WITH

INTERLOCUTORY APPLICATION NOS. 134229 OF 2017 AND 715 OF 2019

(Applications for exemption from filing Official Translation)

AND

INTERLOCUTORY APPLICATION NO. 3769 OF 2019 AND 65399 OF 2020

(Applications for permission to file additional documents and exemption from paying Court fee)

AND

INTERLOCUTORY APPLICATION NOS. 140471 & 140472 OF 2022

(Applications for Direction and exemption from filing Official Translation)

AND

INTERLOCUTORY APPLICATION NOS. 140476 & 140477 OF 2022

(Applications for Impleadment to implead as party Appellant and exemption from filing official translation)

AND

INTERLOCUTORY APPLICATION NO. 151771 OF 2022

(Application for Intervention)

AND

INTERLOCUTORY APPLICATION NO. 156659 OF 2022

(Application for Intervention)

AND

**INTERLOCUTORY APPLICATION NOS. 175177, 175179 AND 175184 OF 2022 IN
CIVIL APPEAL NO. 3010 OF 2020**

(Applications for Substitution as the legal representative of the deceased appellant and exemption from filing official translation)

AND

**COMMON INTERLOCUTORY APPLICATION NO. 78603 OF 2023 IN CIVIL APPEAL
NOS. 3010 & 3011 OF 2020**

(Common application for discharge of Advocate on Record **on behalf of the Appellant viz, Jagat Guru Shankarcharya Jyotishpeeth P.S.S.N Saraswati** in C.A. No. 3010/2020 who is Respondent in C.A. No. 3011/2020 e-filed on 17.04.2023 by Ms. Taruna Ardhendumauli Prasad, Advocate)

AND

INTERLOCUTORY APPLICATION NO. 136319 OF 2023

(Applications for Substitution as the legal representative of the deceased appellant)

AND

CIVIL APPEAL NO. 3011 OF 2020

WITH

INTERLOCUTORY APPLICATION NO. 141271 OF 2017

(Application for exemption from filing C/C of Impugned Judgment)

AND

**INTERLOCUTORY APPLICATION NOS. 141272 AND 141271 OF 2017 IN CIVIL
APPEAL NO. 3011 OF 2020**

(Applications for exemption from filing Official Translation and permission to file lengthy list of dates)

AND

INTERLOCUTORY APPLICATION NOS. 140463 AND 140464 OF 2022

(Applications for Impleadment to implead as party Respondents and exemption from filing Official Translation)

AND

INTERLOCUTORY APPLICATION NOS. 140466 AND 140467 OF 2022

(Applications for Direction and exemption from filing Official Translation)

AND

INTERLOCUTORY APPLICATION NOS. 154947 AND 154952 OF 2022

(Applications for Impleadment as party Respondent and exemption from filing Official Translation)

AND
**INTERLOCUTORY APPLICATION NOS. 175153 AND 175154 OF 2022 IN CIVIL
APPEAL NO. 3011 OF 2020**

(Applications for Substitution as the legal representative of the deceased Respondent
and exemption from filing Official Translation)

AND
INTERLOCUTORY APPLICATION NOS. 240269 AND 240271 OF 2023

(Applications for Substitution as the legal representative of the deceased Respondent
and exemption from filing official translation)

Jagat Guru Shankaracharya Jyotishpeeth P.S.S.N Saraswati Etc. ... Appellants

Versus

Swami Vasudevanand Saraswati Disciple
of S.H.N. Saraswati Etc.

...Respondents

REVISED OFFICE REPORT

These appeals (CROSS APPEALS) by way of granting the Special Leave Petitions
vide this Court's order dated 27.08.2020. Position of Civil Appeals are as under:-

CIVIL APPEAL NO. 3010 OF 2020

There is sole respondent in the appeal are represented through Mr. Yadav
Narender Singh, Advocate.

It is submitted that Mr. Yadav Narender Singh, Advocate for the Appellant for the
respondent has on 20.09.2022 filed an application for Impleadment to implead **Swami
Avimukteshwaranand Saraswatiji** maharaj Paramhansi as Legal representative of
deceased sole Appellant along with applications for exemption from filing official
translation, Direction with exemption from filing official translation. The said
applications have been registered as Interlocutory Application Nos. 140476, 140477,
140471 and 140472 of 2022 respectively. Copies of the same have been placed along
with the paper books of Civil Appeal.

It is further submitted that Mr. Christi Jain, Advocate has on 10.10.2022 filed
application for intervention to made **Jagatguru Shankaracharya Swami
Nishchalanand Saraswati** as intervenor along with vakalatnama and memo of
appearance. The said application has registered as Interlocutory Application No.
151771 of 2022. Copy of the same has been placed along with the paper books of
Civil Appeal. Now, Mr. Praveen Chaturvedi, Advocate has on 27.04.2023 filed
vakalatnama and memo of appearance on behalf of afore mentioned proposed
intervener after obtaining 'NOC' from Mr. Christi Jain, Advocate.

It is further submitted that Mr. Pushpinder Singh, Advocate has on 15.10.2022 e-filed an application for Intervention on behalf of On behalf of **Swami Govindanand Saraswati Ji S/o Jagadguru Shankaracharya Swaroopanand Saraswati Swami Ji**. The said application has been registered as Interlocutory Application No. 156659/2022. Copy of the same has been placed below the paper books of Civil Appeal.

It is further submitted that Ms. Jaikirti S. Jadeja, Advocate for the respondent has on 16.11.2022 filed applications for substitution to substitute Jagadguru Shankaracharya Jyotishpeeth Peethadheshwar **Sri Swami Avimukteshwaranand Saraswati** as legal representative of deceased sole appellant and two applications for exemption from filing Official Translation. The said applications have been registered as Interlocutory Application Nos. 175177, 175179 and 175184 of 2022 respectively. Copies of the same have been placed along with the paper books of Civil Appeal. Now, Mr. Anjani Kumar Mishra, Advocate has on 05.01.2023 filed vakalatnama and memo of appearance in the afore-mentioned application for substitution after obtaining 'NOC' from Ms. Jaikirti S. Jadeja, Advocate.

It is further submitted that Mr. Pushpinder Singh, Advocate has on 18.07.2023 e-filed an application for substitution as legal representative of deceased sole appellant namely **Sri Govindananda Saraswati Swamiji**. The same is **defective** for the following reasons:

- 1) Counsel has not filed Vakalatnama/ Memo of Appearance.
- 2) Original Death Certificate has not been filed.

Counsel has not cured the defects, so far. However, the said application has been registered as Interlocutory Application No. 136319 of 2023. Copy of the same has been placed below the paper books of Civil Appeal.

It is further submitted that Mr. Anjani Kumar Mishra, Counsel for the impleader and Mr. Yadav Narender Singh, Counsel for the sole Respondent has on 18.08.2023, 25.08.2023 and 26.08.2023 filed/ e-filed Joint Convenient Compilation (in five volumes). Copies of the same are placed below the papers of Civil Appeal.

It is further submitted that Mr. Anjani Kumar Mishra, Advocate has on 11.01.2024 e-filed Reply cum Affidavit on behalf of **Sri Swami**

Avimukteshwaranand Saraswati ji. Copy of the same is placed below the paper books of Civil Appeal.

CIVIL APPEAL NO. 3011 OF 2020

There is sole respondent (now deceased) in the appeal.

It is submitted that Mr. Yadav Narender Singh, Advocate for the Appellant has on 20.09.2022 filed an application for Impleadment to implead **Swami Avimukteshwaranand Saraswatiji** maharaj Paramhansi as Legal representative of deceased sole Respondent along with applications for exemption from filing official translation, for Direction with exemption from filing official translation. The said applications have been registered as Interlocutory Application Nos. 140463, 140464, 140466 and 140467 of 2022 respectively. Copies of the same have been placed along with the paper books of Civil Appeal.

It is submitted that Mr. Surya Kant, Advocate has on 13.10.2022 filed applications for Impleadment to implead **Shri Bharat Dharam Mahamandal** as Legal representative of deceased sole respondent and exemption from filing official translation. The said applications have been registered as Interlocutory Application Nos. 154947 and 154952 of 2022. Copies of the same have been placed along with the paper books of Civil Appeal.

It is further submitted that Ms. Jaikirti S. Jadeja, Advocate for the respondent has on 16.11.2022 filed applications for substitution to substitute Jagadguru Shankaracharya Jyotishpeeth Peethadheshwar **Sri Swami Avimukteshwaranand Saraswati** as legal representative of deceased sole respondent and exemption from filing Official Translation. The said applications have been registered as Interlocutory Application Nos. 175153 and 175154 of 2022. Copies of the same have been placed along with the paper books of Civil Appeal. Now, Mr. Anjani Kumar Mishra, Advocate has on 05.01.2023 filed vakalatnama and memo of appearance in the afore-mentioned application for substitution after obtaining 'NOC' from Ms. Jaikirti S. Jadeja, Advocate.

It is further submitted that Mr. Pushpinder Singh, Advocate has on 21.11.2023 e-filed applications for substitution on behalf of **Swami Govindanand Sarswati Ji** S/o Jagadguru Shankaracharya Swaroopanand Saraswati Swami Ji and exemption from filing official translation. The said application is defective for the following reason:-

1) Name furnished in the affidavit of aforesaid application and in Adhaar Card are not same.

However, the said applications have been registered as Interlocutory Application Nos. 240269 and 240271 of 2023. (Copy of the same has been placed below the paper books of Civil Appeal.)

CIVIL APPEAL NOS. 3010 & 3011 OF 2020

It is further submitted that Ms. Taruna Ardhendumauli Prasad, Advocate has e-filed on 17.04.2023 in C.A. NO. 3010/2020, a **Common application for discharge of Advocate-on-Record** on behalf of the sole Appellant (now deceased) in C.A. No. 3010/2020 and on behalf of the sole Respondent (now deceased) in C.A. No. 3011/2020 being **CROSS APPEAL**. The said application has been registered as Interlocutory Application No. 78603/2023. Copy of the same has been placed below the paper books of C.A. NO. 3010/2020.

It is submitted that statement of case has been filed on behalf of the sole Appellant in Civil Appeal No. 3010/2020 only.

The Civil Appeals above mentioned were mentioned before the Hon'ble Court on 03.11.2023, when the Hon'ble Court was pleased to pass the following order:

“List in the week commencing 15.01.2024.”

The Contempt Petition (C) Diary No. 2374 of 2024 in Civil Appeal No. 3010 of 2020 along with application for Direction e-filed on 16.01.2024 by Mr. Pushpinder Singh, Advocate was mentioned before the Hon'ble Court on 16.01.2024, when the Hon'ble Court was pleased to pass the following order:

- “1. It is stated by the learned counsel appearing for the petitioner that C.A. No. 3010/2020 is scheduled for listing on 17.01.2024.**
- 2. If that be so, list on 17.01.2024, subject to curing of defects, if any.**
- 3. To be taken up along with C.A. No. 3010/2020.”**

It is submitted that aforesaid Contempt Petition (C) Diary No. 2374 of 2024 in Civil Appeal No. 3010 of 2020 is found defective for the following reasons:

1. Contempt Petition is to be filed under 'Inherent Jurisdiction'.
2. Copy of the instant Contempt Petition has not been served to the other counsels.
3. Page Nos. 18, 19 and 47 are in dim impression.
4. Residential addresses of all the Alleged Contemnors have not been furnished.

The afore-said defects have been communicated to the Counsel via email dated 16.01.2024 but counsel has not cured the defects, so far.

The Civil Appeals along with applications above-mentioned are listed before the Hon'ble Court with this office report.

Dated this the 16th day of January, 2024.

ASSISTANT REGISTRAR

Copy to:

Mr. Taruna Ardhendumauli Prasad, Advocate

Mr. Yadav Narendra Singh, Advocate

Mr. Praveen Chaturvedi, Advocate

Mr. Pushpinder Singh, Advocate

Mr. Anjani Kumar Mishra, Advocate

Mr. Surya Kant, Advocate

ASSISTANT REGISTRAR