

ITEM NO.45

COURT NO.5

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 16303-16304/2022

(Arising out of impugned final judgment and order dated 01-09-2022 in CMP No. 13117/2022 & CMP No. 7981/2022 passed by the High Court Of Judicature At Madras)

J. MOHAMMED NAZIR & ANR.

Petitioner(s)

VERSUS

MAHASEMAM TRUST & ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

WITH

Diary No(s). 225/2023 (XII)

(FOR ADMISSION and I.R. and IA No.2913/2023-CONDONATION OF DELAY IN FILING and IA No.2917/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.2916/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-01-2023 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. K. Subramanian, Sr. Adv.
Mr. E. C. Agrawala, AOR
Mr. Sunil Murarka, Adv.
Ms. S. Lakshmi Iyer, Adv.
Mr. Pankaj Agarwal, Adv.

Mr. Siddhartha Dave, Sr. Adv.
Ms. Sonam Gupta, AOR
Mr. Anurag Tandon, Adv.
Mr. Taranjit Singh, Adv.
Ms. Aarushi Singh, Adv.

For Respondent(s) Mr. Siddhartha Dave, Sr. Adv.
Ms. Sonam Gupta, AOR
Mr. Anurag Tandon, Adv.
Mr. Taranjit Singh, Adv.

Ms. Aarushi Singh, Adv.

Mr. Anand Shankar Jha, AOR

Ms. Arpit Gupta, Adv.

Mr. Abhishek Tiwari, Adv.

Mr. Mano Goel, Sr. Adv.

Mr. Shuvodeep Roy, AOR

Mr. Sachin Sharma, Adv.

Mr. Abhishek Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) No(s). 16303-16304/2022

The present petitions have been filed assailing the order which was reserved on 29.08.2022 and pronounced on 01.09.2022. It reveals from the record that the order dated 19.12.2013 passed by the learned Single Judge in O.A. No. 520 of 2013 in C.S. No. 143 of 2012 was the subject matter of challenge before the Division Bench of the High Court in C.M.P Nos. 7981 & 13117 of 2022 in O.S.A No. 101 of 2014.

The Division Bench of the High Court in the first instance passed an ad-interim order dated 28.04.2022, which reads as under:

".... Post the matter in the second week of June, 2022. In the meanwhile, the respondents are directed to maintain status quo as on date. Notice."

Thereafter, the application came to be filed for modification/vacation of the ad-interim order dated 28.04.2022 and later after the matter being heard, the judgment was reserved on 29.08.2022 and pronounced on 01.09.2022.

Learned counsel for the petitioners placed before us two

different orders passed by the Division Bench of the High Court of Judicature at Madras on the self-same subject matter which was reserved on 29.08.2022 and pronounced on 01.09.2022.

This fact was noticed by this Court and took a serious note as reflected from the order dated 23.09.2022.

In compliance of the order of this Court, the Registrar General of the High Court has submitted his report dated 10.11.2022 in a sealed cover which is placed for our perusal. We have gone through the report and record our satisfaction with the justification tendered in passing of the order on 01.09.2022 of which reference has been made in our order dated 23.09.2022 and leave it for the High Court to take appropriate necessary course corrective measures which are required in the interest of justice.

After hearing the learned counsel for the parties and taking into consideration the material on record and without going into the merits/demerits of the matter, we consider appropriate to set aside the orders dated 01.09.2022 which are on record at pages 1 to 7 and 7A to 7G of the paper book.

Accordingly, the orders dated 01.09.2022, which are on record at pages 1 to 7 and 7A to 7G of the paper book, are hereby set aside and C.M.P. Nos. 13117 of 2022 and 7981 of 2022 filed by the parties in O.S.A. No. 101 of 2014 are restored on the file of the High Court with a request to decide the applications afresh in accordance with law without being influenced by the observations made in the orders dated 01.09.2022 which has been set aside by this Court.

At the same time, the ad-interim order dated 28.04.2022 passed

by the High Court to continue for a further period of six weeks and parties may abide further orders to be passed by the High Court in the pending proceedings.

Let the parties may appear before the Division Bench of the High Court on 08.02.2023, as jointly prayed.

With the aforesaid directions, the Special Leave Petitions stand disposed of accordingly.

Pending application(s), if any, stands disposed of accordingly.

Diary No(s). 225/2023

Delay condoned.

The special leave petition(s) stands disposed of in view of the above order passed in SLP(C) No(s). 16303-16304/2022.

Pending application(s), if any, stands disposed of accordingly.

(VIRENDER SINGH)
BRANCH OFFICER

(ASHWANI KUMAR)
ASTT. REGISTRAR-cum-PS

(Note: Report dated 10.11.2022 in a sealed cover received from the the Registrar General of the High Court has been returned to the concerned section in the Court on 27.01.2023.)