

ITEM NO.24

Court 6 (Video Conferencing)

SECTION IV-A

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).21596-21597/2019

(Arising out of impugned final judgment and orders dated 04-01-2018 in WA No. 1053/2017 and dated 19-03-2019 in RP No. 275/2019 passed by the High Court of M.P Principal Seat at Jabalpur)

THE STATE OF MADHYA PRADESH & ORS.

Petitioner(s)

VERSUS

KESAR IQBAL & ANR.

Respondent(s)

(IA No. 128362/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 128363/2019 - EXEMPTION FROM FILING O.T.)

WITH SLP(C) No. 21598-21599/2019

(IA No. 128216/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 128219/2019 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 21600-21601/2019

(IA No. 130555/2019 - EXEMPTION FROM FILING O.T.)

Date : 21-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Arjun Garg, AOR
Ms. Rati Tandon, Adv.

For Respondent(s) Mr. Ravi Prakash, Adv.
Mr. Anuj Tyagi, AOR

Mr. Subhro Sanyal, AOR

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

SLP(Civil)No.21596-21597 of 2019

A request for adjournment has been circulated by learned counsel for the petitioners to file a rejoinder affidavit. This is opposed by the learned counsel for

the respondents as he points out that the counter affidavit was filed in the month of October, 2019.

Learned counsel for the respondents has taken us through the list of dates to point out that at page N, a reference has been made to the order dated 10th December, 2018 of the earlier Special Leave Petition (C) Diary No.42226 of 2018 which is stated to have been withdrawn by the petitioners herein on 10th December, 2018 with liberty to move the review petition before the High Court. A copy of the order of this Court has been annexed as Annexure P-9 at page 174. On perusal of page 174, it transpires that no such liberty was granted. Not only that, at page 7 the declaration made in terms of Rule 3 (2) refers to the final judgment and order dated 4th January, 2018 passed by the High Court and the subsequent order in review and it is stated that no Special Leave Petition was filed against the earlier order.

Prima facie, we find that both these declarations are false and have been made by one Ms. Manisha Waskale at page 13, Sub-Divisional Magistrate, Gorakhpur, Madhya Pradesh. Such averments amount to a false declaration before this Court.

We thus, decline any further adjournment and direct notice to be issued to Ms. Manisha Waskale why appropriate proceedings be not initiated against her for misleading this Court and as a consequence obtaining interim orders from the Bench at the threshold on 2nd September, 2019.

Notice is accepted.

The affidavit be filed within one week.

We find aforesaid sufficient ground to vacate the interim order dated 2nd September, 2019. Ordered accordingly.

List on 5th October, 2020.

SLP(Civil)No.21600-21601 of 2019

The order passed in SLP(Civil)Nos.21596-21597 of 2019 referred to aforesaid would equally apply in this case as the facts are identical.

Interim orders accordingly stand vacated.

List on 5th October, 2020.

SLP(Civil)No.21600-21601 of 2019

List on 5th October, 2020.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR