

§
SLP(C)No. 435 OF 2003
ITEM No.20

Court No. 9

SECTION IX
A/N MATTER

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 (Civil) No.435/2003

(From the judgement and order dated 20/12/2002 in WP 317/02
of The HIGH COURT OF BOMBAY AT PANAJI)

VILAS P. THALI

Petitioner (s)

VERSUS

JOS PETER D'SOUZA & ORS.

Respondent (s)

(With prayer for interim relief)
With
SLP(C)No.2394/2003

Date : 23/04/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s) Mr. Mukul Rohtagi, ASG
Mr. Dhruv Mehta, Adv.
Mr. E.M.S. Anam, Adv., Mr. Fazlin Anam, Adv.
Mr. Mohit Choudhary, Ms. Shalini Gupta, Adv.

Mr. G.L. Sanghi, Sr. Adv.
Mr. Prashant Kumar, Adv.
Mr. Aruneshwar Gupta, Adv.

For Respondent (s) Ms. A.Subhashini, Adv.

Mr. Colin Gonsalves, Sr. Adv.
Ms. Aparna Bhat, Adv.
Ms. Priya Kiran, Adv.

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

Leave granted.

Heard learned counsel for the parties for half an
hour.

The appeals are disposed of in terms of the signed
order.

(R.K. DHAWAN) (VEERA VERMA) COURT MASTER
aced on the file)
IN THE SUPREME COURT OF INDIA

COURT MASTER

(Signed order is pl

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2650 OF 2004
(Arising out of SLP(C) No.435 of 2003)

Vilas P. Thali.... Appellants

Versus

Jos Peter D'Souza & Ors..... Respondents.

WITH

CIVIL APPEAL NO. OF 2004
(Arising out of SLP(C) No.2394 of 2003)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant was an Additional Advocate General in the High Court of Bombay at Goa. In this public interest litigation filed by the first respondent herein, it was alleged that the appellant as Additional Advocate General submitted certain false bills and obtained payment towards his professional work and thereby caused loss to the State Exchequer. He alleged that the appellant in these bills shown that he had appeared in some cases where in fact he had not appeared and he made claims to which he was not legally entitled to. Pursuant to the directions of the High Court, an inquiry was conducted. Now in the counter affidavit filed by the State it is mentioned that the State would pay appellant a sum of Rs.26,600/- and the appellant by his letter dated 30-3-2004 conveyed to the State that he would forego the claim for Rs.2,15,500/-.

...2/-

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Counsel for the appellant further submitted that in paragraphs 5,11 and 13 of the judgment certain observations have been made by the Division Bench to the effect that the appellant has submitted false, bogus and fraudulent bills and these observations may be expunged. Counsel for the State submits that some mistakes have been noticed in the bills submitted by the appellant. The counsel for the State brings to our notice that the State Government has decided to resolve the issue in view of the subsequent developments.

We make it clear that if the State Government proposes any action against the appellant, the Government shall not be swayed by the adverse observations against the appellant made by the Division Bench in paras 5,11 and 13 of impugned judgment.

The appeal is disposed of accordingly.

CIVIL APPEAL NO. OF 2004
(Arising out of SLP(C) No.2394 of 2003)

Leave granted.

Heard learned counsel for the parties.

The appellant is a senior counsel in the High Court of Bombay at Goa and he is aggrieved by certain observations made by the High Court. The appellant appeared for the first respondent as a senior counsel.

...3/-

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In the facts and circumstance of the case, we are of the view that these observations were not necessary for just disposal of the case and be treated it as expunged.

The appeal is disposed of.

.....J
(K.G. BALAKRISHNAN)

.....J
(B.N. SRIKRISHNA)

NEW DELHI;
APRIL 23, 2004.

