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SLP(C)No. 2402-2404 OF 2001

ITEM No.201

Court No. 3

SECTION XI
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.2402-2404/2001

(From the judgement and order dated 22/04/2000,24.7.2000 & 5.1.2001 in
SA 397/98 ,CMRA 52091&69602/2000 of The HIGH COURT OF JUDICATURE AT
ALLAHABAD)

VASISHTH(BASHISTH) DUBEY

Petitioner (s)

VERSUS

MUNNI TEWARI & ORS.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for c/delay in filing SLP)
(For Final Disposal)

Date : 22/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s)

Mr. T.N. Singh,Adv.
Mr. V.K. Singh,Adv.

For Respondent (s)

Mrs.K. Sarada Devi,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.

.SP2

Heard Mr. T.N.Singh,Adv. for the appellant for 5
minutes.

Delay condoned.
Leave granted.
The appeals are disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@

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Court Master Court Master@@

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Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1409-1411/2002@@
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(arising out of SLP(C) 2402-2404/2001)

Vasishth(Bashisth) Dubey ..Appellant

Vs.

Munni Tewari & Ors. ..Respondents

O R D E R@@
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Leave granted.

The present appeals are directed against the order of the dismissal of the special appeal filed by the appellant. It appears that an order of termination was passed on 1.7.1988, and that order was set aside by the High Court and by order dated 18.8.1994 the appellant was required to be heard. On 1.6.1995 the Vice-Chancellor on the recommendation of the committee came to hold that the appellant is legally appointed Principal. The respondent No.1 assailed the aforesaid order of the Vice-Chancellor. The learned Single Judge allowed the Writ Petition filed by the respondent No.1 by order dated 7.4.1998. The learned Single Judge quashed the order of the Vice-Chancellor dated 1.6.1995. The present appellant preferred a special appeal to the Division Bench, which stood dismissed for non-prosecution on 22.4.2000. An application for restoration was filed on 14.7.2000, but that application was dismissed on 24th July, 2000. A second application appears to have been filed, but that also stood dismissed by order dated 5.1.2001. Against this order, the

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present appeals have been preferred. There cannot be any dispute that the appellant has been grossly negligent in pursuing the special appeal and went on filing application for restoration one after the other instead of approaching this Court against the order of dismissal of such appeal. But having regard to the facts and circumstances indicated in the application, without expressing any opinion on the merits of the special appeal, we think it appropriate to grant one opportunity to the appellant to establish his case before the Division Bench in the special appeal. We, therefore, set aside the impugned orders of dismissal of the special appeal passed by the Division Bench of Allahabad High Court, and direct that the special appeal be re-heard and re-disposed after hearing all parties concerned. This may be done within a period of three months from today.

The appeals stand disposed of accordingly.

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.....J.
(G.B.PATTANAIAK)@@
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New Delhi,
February 22, 2002

.....J.@@
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(BRIJESH KUMAR)@@
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