

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

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).5784/2012

SHAMBHU CHAUHAN & ANR.

Petitioner(s)

VERSUS

RAM KIRPAL ALIAS CHIRKUT & ORS.
(With prayer for interim relief)

Respondent(s)

Date: 08/08/2012 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Shikhar Vats, Adv.
Mr. R.D. Upadhyay, Adv.

For Respondent(s)

Mr. Anando Mukherjee, Adv.
M/s Anuradha Associates

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

The learned Advocate, Mr. Anando Mukherjee, appearing on behalf of learned Advocate-on-Record, M/s.Anuradha & Associates for respondent No.3 - Kanhiya Lal, has pointed out that the cause title in the SLP does not tally with the cause title before the High Court in the impugned order which is Civil Misc.Writ Petition No.13286/1981. It seems that certified copy of the impugned order does not disclose the entire list of litigants in that petition, but petitioner herein has filed Memo of Parties as per rule at page 8(1) as Memo of Parties before the High Court and, therefore, probably Registry has to rely upon such Memo of
Item No.42 -2-

Parties while scrutinizing the SLP since litigants in the SLP tallies with the Memo of Parties filed at page 8(1).

Unfortunately, strange information has been disclosed by the learned counsel for respondent No.3 that in fact before the High Court legal heirs of original petitioner No.3 - Badri, son of Jhagroo as well as legal heirs of original petitioner No.4 - Bhookhal, son of Sehati were joined as litigants and similarly legal heirs of respondent No.3 before the High Court were also joined as litigant on record of the High Court. If he has passed on photocopy of cause title before the High Court, he is advised to file proper certified copy of such documents on record at the earliest.

At present, photocopy of first page of such documents is taken on record, since it has been noticed that out of the litigants shown in such documents, legal heirs of respondent No.3 Smt. Gulabi, w/o Parmeshwar, namely, Shambhoo has preferred this petition as a petitioner. In the present petition, petitioner has disclosed respondent No.4 as Thakur, son of Parmeshwar, whereas photocopy of such documents relating to Civil Misc.Writ Petition No.13286/1981 before the High Court Judicature at Allahabad shows the name of Thakur as respondent No.3/2 with the text 'Thakur, minor' T/G Shambhu.....(illegible) with an endorsement that such

Item No.42

-3-

amendment is made on 20.5.2003. On the same day i.e., 20.5.2003, names of the legal heirs of the original petitioner before the High Court are also joined and disclosed on record. Therefore, it would be necessary for the petitioner herein to join all such litigants as a proper party in this SLP i.e., either as a petitioner or as a respondent. Unfortunately, petitioner

has failed to do so, whereas surprisingly petitioner has disclosed the name of Thakur, probably who is son of the petitioner, as respondent No.4 disclosing that he is minor and without disclosing that he himself as a legal guardian of such minor. Unfortunately, the name of respondent No.4 is disclosed as 'Thakur, son of Parmeshwar'. Due to such improper disclosure it would be difficult to serve notice upon a person probably who is not in existence. This would result into inordinate delay. This leads to presumption that there is an attempt to disclose some false information on record. Irrespective of other proceedings to be completed i.e., service of notice upon the other respondents and completion of pleadings, initially list this matter before the Hon'ble Judge in Chambers for appropriate orders and directions in view of the above facts.

(S.G. SHAH)

REGISTRAR

rd