

\234

SLP(C)No. 3574 OF 2004
ITEM No.208Court No. 7

SECTION XVII

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.3574/2004

(From the judgement and order dated 05/11/2003 in CWJC 2978/03
of The HIGH COURT OF PATNA)

ASHWANI DHIR & ORS.

Petitioner (s)

VERSUS

STATE OF BIHAR & ANR.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for permission to place addl. documents on record)
(For final disposal)

With

SLP(C)...CC 3512/2004

(With I.A.1 (c/delay in filing SLP)(For final disposal)

Date : 27/08/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE DR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. Harish N. Salve, Sr. Adv.

Mr. S.V. Deshpande, Adv.

Mrs. Anuradha Rustogi, Adv.

For Respondent (s) Mr. Gopal Subramaniam, Sr. Adv.

Mr. Saket Singh, Adv., Mrs. Niranjana Singh, Adv.

Mr. Sunil Kumar, Adv.

Mr. B.B. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Leave granted.

The appeal is disposed of.

SLP(C) CC 3512/2004

No orders required on the SLP.

(R.K. DHAWAN) (VEERA VERMA)

COURT MASTER COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5538 OF 2004

(Arising out of SLP(C) No.3574 of 2004)

ASHWANI DHIR & ORS. APPELLANTS.

VERSUS

STATE OF BIHAR & ANR.

RESPONDENTS.

O R D E R

Leave granted.

The appellants are defendants in a suit filed by respondent no.2 herein. Plaintiff/respondent no.2 had moved for an injunction to restrain the defendants from telecasting a T.V. serial which according to the plaintiff caused aspersion on a person who is a leading political figure holding responsible post. An interim injunction was granted by the trial court and the same was challenged by these appellants before the District Court and the order of injunction was confirmed. Aggrieved by the same, the appellants herein moved the High Court under Article 227 of the Constitution of India. The High Court rejected the writ petition holding that the appellants had alternative remedy and the petition under Article 227 was not maintainable. That order is challenged before us.

We heard learned counsel for the appellants and and counsel for the respondents.

...2/-

-2-

Learned counsel for the respondents fairly conceded that the respondents will not dispute the jurisdiction of the High Court in entertaining the application under Article 227, and as the writ petition was dismissed without considering it on merits, we request the High Court to consider CWJC No.2978/2003 on merits and dispose of it at the earliest at least within a period of two months from today. We set aside the impugned judgment for the said purpose. The appeal is disposed of accordingly.

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

.....J
(ARIJIT PASAYAT)

NEW DELHI;
AUGUST 27, 2004.