

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2446 OF 2000

SHRI RAFIQUL ISLAM & ORS.

Appellant (s)

VERSUS

BAIDYANATH MUKHERJEE AND ORS.

Respondent(s)

(With appln.(s) for permission to bringing on record subsequent facts and events and with prayer for

interim relief and office report)

Date: 19/04/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. D.N. Ray, Adv.

Mrs. Sumita Ray, Adv.

For Respondent(s) Mr. Monish Panda, Adv.

Mr. Rajan Narain, Adv.

Mr. G.S. Chatterjee, Adv. (N.P.)

Mr. Tara Chandra Sharma, Adv. (N.P.)

UPON hearing counsel the Court made the following

O R D E R

The Appeal stands dismissed in terms of the signed order. No order
as
to costs.

(K.K. Chawla)
Court Master

(Radha R. Bhatia)
Court Master

[signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2446 OF 2000

SHRI RAFIQUL ISLAM & ORS.

.. APPELLANTS

VERSUS

BAIDYANATH MUKHERJEE AND ORS.

.. RESPONDENTS

O R D E R

Only counsel for Appellants and Respondent No.13 appeared before us

and pointed out that this appeal is directed against the Judgment of Special

Bench of the Calcutta in Appeal No.187 of 1988, which was also the subject

matter of Civil Appeal No.1449 of 2000 which has been dismissed by this Court

by its Judgment dated 26th April, 2005 titled Manmatha Nath Ghosh & Ors. v.

Baidyanath Mukherjee, JT 2005 (4) SC 594.

Mr. D.N. Ray, the learned counsel for the Appellants, states that there are subsequent developments for which Interlocutory application No.5 has been filed. In our view, these subsequent developments cannot be a justification for challenging the Judgment which is impugned in the Appeal. The Judgment of the High Court, could, if at all, be impugned only on the basis of the facts that existed when the Judgment was rendered by the High Court. Assuming that there are such new developments, nothing prevents the Appellants from taking appropriate proceedings before the appropriate forum.

In view of these circumstances, this Appeal would have to be dismissed.

Accordingly, the Appeal stands dismissed. No order as to costs.

.....J.

(B.N. Srikrishna)

.....J.

(Lokeshwar Singh Pant)

New Delhi;

April 19, 2006.