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SLP(C)No. 3899 OF 2003
ITEM No.32

Court No. 4

SECTION XVII

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.3899/2003

(From the judgement and order dated 10/01/2003 in LPA 1136/02
of The HIGH COURT OF PATNA)

HAKIM PRASAD SAH

Petitioner (s)

VERSUS

UDAY SHANKAR SINGH & ORS.

Respondent (s)

(With Appln(s). for exemption from filing O.T. and with prayer
for interim relief)

Date : 10/03/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s) Mr. Salman Khursheed, Sr. Adv.
Mr. Javed A Wadsi, Adv.
Mr. Irshad Ahmad, Adv.
Mr. Zakir Ahmed Khan, Adv.

For Respondent (s) Mr. S.B. Sanyal, Sr. Adv.
Mr. Rudreshwar Singh, Adv.
Mr. Tapes Singh, Adv.
Mr. Shishir Pinaki, Adv.
Mr. Sanjay Jain, Adv.

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

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Considering the reasons recorded by the Division Bench of the High Court that a requisition was moved only by 10 members, the impugned order passed by the High Court does not call for any interference. However, learned senior counsel states that there is a factual error because requisition motion was moved by 12 members. In our view the High Court has quoted the submission made by senior counsel Mr. Bibhuti Pandey, therefore, it cannot be ...2/-

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said that there is any error apparent on the face of the record which calls for any interference in this petition. Hence, this Special Leave Petition is dismissed.

However, it will be open to the petitioner to move the High Court for review if there is any such error as contended by him. With regard to the other reason recorded

by the High Court it does not require any consideration at this stage. Prima facie in our view it would be difficult to approve the said reasoning. However, that question is left open.

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(Ganga Thakur)
P.S.to Registrar

(Janki Bhatia)
Court Master