

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(s).8254/2004

(From the judgement and order dated 08/09/2003 in SA No. 1164/1999 of The
HIGH COURT OF M.P AT JABALPUR)

MUNSHI LAL

Petitioner(s)

VERSUS

NANDI BAI & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report)

Date: 05/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. B.K.Satiya,Adv.

For Respondent(s)

Ms. N.Annapoorani,Adv.

UPON hearing counsel the Court made the following

O R D E R

After service of notice, on 26th of September, 2005, four weeks were granted to file counter-affidavit. On the next date of hearing, i.e., 11th of November, 2005, this Court recorded that "in spite of the time given, counsel for the respondent has not filed counter affidavit" and directed the case to be listed in the category of complete after notice matters.

On 3rd of April 2006, i.e, after more than four months of the passing of the aforesaid order of 11th November, 2005, the respondents filed counter affidavit and served the same on the petitioner without taking permission from the

Court. Counsel for the petitioner now seeks time to file rejoinder as she could not file the same since the Court was closed for summer vacation. In view of the Court's order dated 11th November, 2005, counsel for respondent should have taken permission from the Court before filing counter-affidavit.

Since it is a legal aid matter, without imposing costs, we allow the counter-affidavit to be taken on record and permit the petitioner to file rejoinder thereto within four weeks.

To be listed after four weeks.

(J.S. Rawat) (Rajesh Dham)

AR-cum-PS Court Master