

SECTION XI
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Listed On : 16.10.2015
Court No. : 2
Item No. : 1

CIVIL APPEAL NOS. 10866-10867 OF 2010

MOHAMMAD SIDDIQ (D) THR. LRS. MAULANA ASSHAD ETC.

...Appellants
VERSUS

MAHANT SURESH DAS & ORS. ETC. ETC.

...Respondents

OFFICE REPORT FOR DIRECTIONS

Office Report for directions in Civil Appeals above mentioned was listed before the Hon'ble Court on 10.08.2015, when the Court was pleased to pass an order which inter-alia reads as under:-

“...Mr. C. S. Vaidyanathan, learned senior counsel appearing for the appellants in C. A. Nos. 4768-71 of 2011 points out that although there was a direction issued by this Court on 09.05.2011 asking the Registry to provide to the parties CDs containing electronic copies of the digital record summoned from the High Court, the needful has not been done so far. He prays for a direction to the Registry to comply with the said order. We see no reason to decline that prayer. The Registry shall take steps to provide to the parties CDs containing electronic copies of the digital record summoned from the High Court...”

It is submitted that this Hon'ble Court had, vide order dated 09.05.2011, issued directions to this Registry to provide CDs of the digital record summoned from the High Court, but the Original Record was received in the Registry on 01.04.2014. Thereafter, Mr. Ashok Kumar Singh, OSD Home/RJB-BM Case, High Court of Allahabad, Lucknow Bench has sent a letter dated 10.04.2014, pointing out certain directions issued by the High Court of Allahabad, Lucknow Bench regarding publication and reporting of the case in the Press/Media. (Copy of the Letter is enclosed herewith). Hence, copies of CDs could not be provided to the parties so far. No application for copy of CD has been filed by any party in the matter till date.

It is further submitted that in terms of Order XIII, Supreme Court Rules, 2013, a party to a proceedings in the Supreme Court is entitled to receive copies of all pleadings, documents & deposition etc. on payment of prescribed fee & charges. No application for copy of CD has been filed by any party in the matter till date.

It is further submitted that six more reports dated 05.07.2015, 26.07.2015, 02.08.2015, 16.08.2015, 30.08.2015 & 13.09.2015 have been received from the Observers appointed by this Hon'ble Court and the same have been included in paper-books.

It is submitted that vide order dated 10.08.2015 the Hon'ble Court passed certain directions regarding continuation of Mr. T. M. Khan as Observer which inter-alia read as under :-

“ ...Dr. Rajeev Dhawan, learned senior counsel submitted that Mr. T. M. Khan, one of the observers on the date of his appointment was working as Chairman, Permanent Lok Adalat, Varanasi who has now demitted that office in which case this Court may have to make a substitute arrangement. We do not for the present have any application before us seeking any substitute appointment in place of Mr. T. M. Khan. We are also not clear whether Mr. Khan would like to continue as Observer given an option to do so. Mr. Maninder Singh, learned ASG appearing for UOI offered to take instructions from the authorised officer if necessary and make a suitable application in this regard. We permit him to do so within six weeks... “

It is submitted that the Observers have sent two reports dated 26.04.2015 & 16.08.2015 in this regard and the same have been included in the paper-books. In the report dated 16.08.2015, it is stated as under :-

“...In view of the order dated 10.08.2015 of Hon'ble Court it is submitted that one of us (T. M. Khan) has completed his tenure as Chairman, Permanent Lok Adalat, Varanasi, on 30.04.2015 and about a month prior to it Hon'ble Court was informed about it in our fortnightly reports. Sri T. M. Khan is ready and willing to perform his duty as Observer. Both of us are working as Observer since May 2005. The Hon'ble Court may like to give necessary direction, if any...”

The Civil Appeals above mentioned are listed before the Hon'ble Court with this Office Report for further directions as follows:-

1. Providing CDs to the parties in view of the letter dated 10.04.2014 of Mr. Ashok Kumar Singh, OSD Home/RJM.BM case and regarding application to be made by the parties in terms of Order XIII, Supreme Court Rules, 2013.
2. Continuance of Mr. T. M. Khan as Observer in view of Report dated 16.08.2015 sent by the Observers.

Dated this the 01st day of October, 2015.

Copy to: Mr. Ashok K. Srivastava, Adv.
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Mr. Y.P. Dhingra, advocate.
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Mr. B.K. Satija, Advocate
Mr. Hasan Anzar, Advocate
Mr. Amit Pawan, Advocate
Mr. Anish Kr. Gupta, Advocate
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Mr. P. V. Yogeswaran, Advocate

ASSISTANT REGISTRAR