

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
I.A.No.3  
IN  
CIVIL APPEAL NO.804 OF 2011

U.G.HOSPITALS PVT. LTD.

VERSUS

.....APPELLANTS

STATE OF HARYANA & ORS.

.....RESPONDENTS

O R D E R

This is an application for substitution of the name of Metro Institutes of Medical Sciences Pvt. Ltd. in place of U.G. Hospitals Pvt.Ltd., which had filed the special leave petition against order dated 01.12.2008 passed by the Division Bench of the Punjab and Haryana High Court in Writ Petition No.5303 of 2007.

A perusal of the record shows that the writ petition filed by U.G. Hospitals Pvt. Ltd. for issue of a mandamus to the respondents to allot hospital site in Sector-51, Gurgaon was dismissed by the Punjab and Haryana High Court vide order dated 1.12.2008. The special leave petition filed against order of the High Court was converted into Civil Appeal No.804/2011 and was disposed of by this Court on 19.1.2010 with a direction to the Haryana Urban Development Authority to consider the appellant's request for allotment of the hospital plot in Sector 23-A, Gurgaon.

After one year and seven months of the disposal of the appeal, this application has been filed. The foundation of the

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prayer made in the application is certificate dated 7.5.2007 issued by the Registrar of Companies, National Capital Territory of Delhi and Haryana.

We have heard learned counsel for the applicant and carefully scrutinized the records.

If what is depicted in the certificate-Annexure-1 filed with the application is correct then it is not possible to

appreciate as to why the same was not produced before the High Court and prayer was not made before the High Court for substitution of the name of Metro Institutes of Medical Sciences Pvt. Ltd. in place of U. G. Hospitals Pvt. Ltd. The consequences of the appellant's failure to apply for substitution of U. G. Hospitals Pvt. Ltd. was that the High Court disposed of the writ petition and this Court disposed of the special leave petition in the name of a party which had no existence in the eye of law on the relevant dates. As as matter of fact, the special leave petition had been filed by a non-existing person.

By filing an application for substitution, applicant cannot seek correction of a fundamental defect in filing of the special leave petition

With the above observations, the application is dismissed.

.....J.  
( G.S.SINGHVI )

.....J.  
( SUDHANSU JYOTI MUKHOPADHAYA )

NEW DELHI;  
NOVEMBER 18, 2011.

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ITEM NO.3

COURT NO.6

SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
IA No.3 IN CIVIL APPEAL NO. 804 OF 2011

U.G.HOSPITALS P.LTD.

Appellant (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With appln(s) for directions and office report)

Date: 18/11/2011 This I.A.was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Appellant(s) Mr.Himanshu Gupta, Adv.  
Mr. Yash Pal Dhingra,Adv.

For Respondent(s) Mr. M.P. Vinod,Adv.  
Mr.Ajay K.Jain, Adv.  
Mr.Vikas Garg, Adv.

Ms.Neelam Saini, Adv.

Mr.Kumar Kartikay, Adv.

Mr. Aruneshwar Gupta,A.O.R.(Not Present)

Mr.Vikas Sharma, Adv.

Mr.Kamal Mohan Gupta, A.O.R.

UPON hearing counsel the Court made the following

O R D E R

The application is dismissed in terms of the signed  
order.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master

( Signed order is placed on the file )