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ITEM NO.102

COURT NO.7

SECTION XI

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). 7348 OF 2002

SOMENDRA SINGH & ANR.

Appellant (s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and with office report)

WITH
CONMT.PET.(C) NO. 334 of 2002 - With appln. For exemption from
filing O.T.

Date: 03/09/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s) Mr. Pradeep Misra,Adv.

For Respondent(s) Mr. Rajiv Dutta, Sr.Adv.
Mr. M.P. Shorawala,Adv.
Ms. Jyoti Saxena, Adv.
Mr. Vipin K. Saxena, Adv.

Mr. Ravi Prakash Mehrotra,Adv.

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

The appeal is dismissed with costs.

In view of the order passed in the main appeal, the contempt
petition is dismissed. The notice issued to the contemnor shall
stand discharged.

(S. Thapar)
PS to Registrar
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(Pushp Lata Bhardwaj)
Court Master

The signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 7348 OF 2002

SOMENDRA SINGH & ANOTHER

...APPELLANT (S)

VERSUS

STATE OF UTTAR PRADESH & OTHERS

...RESPONDENT(S)

WITH

O R D E R

Vide order dated 8th April, 2009, we had directed learned counsel for the appellants to place on record a copy of Order dated 14th August, 2005, which was stated to have been passed by the High Court in Writ Petition No. 10550 of 1985, as also the final judgment dated 14th January, 1988. The matter was adjourned by two weeks. Again on 28th April, 2009, further time was granted to the appellants to comply with the order dated 8th April, 2009 and the hearing was deferred to the month of August, 2009. The matter has now come up for hearing.

Learned counsel appearing on behalf of the appellants states that despite best efforts, it has not been possible for the appellants to procure a copy of Order dated 14th August, 2005. However, learned counsel has referred to a judgment in the case of Satbir Singh & Others Vs. State of U.P. & Others (Writ Petition No. 10551 etc. of 1985 dated 14th January, 1988) reported in AIR 1988 Allahabad 177. The stand of the learned

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counsel is that the same decision was rendered by the High Court in a large number of Writ Petitions including the one filed by the appellants, bearing No. 10550 of 1985.

We are unable to agree with the learned counsel. It is manifest from the title of the reported judgment that it had been rendered in some other case and not in the case of the appellants. Be that as it may, the fact remains that the appellants have failed to place on record a copy of the Order dated 14th August, 2005 which they claim to have been passed in their favour. Moreover, the Writ Petition, which has given rise to the present appeal, was filed by the appellants on 8th November, 2000 challenging the Award dated 24th July, 1987. We are of the opinion that since the Writ Petition filed by the appellants suffered badly from delay and latches it should have been dismissed by the High Court on that short ground alone.

Having regard to the factual scenario, stated above, we do not find any merit in this appeal and the same is dismissed accordingly with costs.

CONTEMPT PETITION © NO. 334 OF 2002

In view of the fact that the main appeal preferred by the appellants/applicants has been dismissed, the Contempt Petition does not survive and is dismissed accordingly. to the alleged contemnor stands discharged.

The notice issued

.....J.
[D.K. JAIN]

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New Delhi,
September 03, 2009

.....J
[H.L. DATTU]