

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 (C) No(s)...../2006

CC 3481/06

(From the judgement and order dated 4/11/2004 in WA No. 83/98 and order dt. 11.2.2006 in RP No.

19/05 of The HIGH COURT OF M.P AT INDORE BENCH)

M.R.PALANI SAMYSINGH  
Petitioner (s)

VERSUS

Thanthai Periyar Transport Corpn. Ltd. Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

[FOR REHEARING]

Date: 10/05/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. A. Mariarputham, Adv.

Ms. Aruna Mathur, Adv.

Ms. Mini N. Nair, Adv. for

M/s. Arputham Aruna & Co.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

On the previous date of hearing, i.e., 5th of May, 2006, having heard

the counsel appearing for the petitioner, this Court had reserved the orders.

While writing the order, it was revealed that the case on which

reliance was placed [reported in 1990 (Suppl) SCC 361] had already been

disposed of by the Constitution Bench of this Court, holding that in view of the

decision rendered by a Constitution Bench in the case of Pradip Chandra Parija

& Ors. v. Pramod Chandra Patnaik & Ors. [2002 (1) SCC 1], it was not proper for

the Division Bench to doubt the correctness of a larger Bench's decision and

refer the matter to Constitution Bench. The matters were remanded to the

Division Bench for hearing and disposal. The Division Bench, after remanded,

dismissed the petitions for non-prosecution.

Unfortunately, the counsel for the petitioner failed to bring these

crucial facts, which go to the root of the matter, to our notice at the time of

hearing.

In view of this, the petition was ordered to be listed for rehearing.

Counsel appearing for the petitioner seeks time to study the case

further and file a written apology for the lapse on his part.

To come up after summer vacation.

(J.S. Rawat)

AR-cum-PS

(Kanwal Singh)

Court Master