

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).16829/2005

(From the judgement and order dated 13/05/2004 in CAN No.3066/2004 in MAT No. 743/1997 of The HIGH COURT OF CALCUTTA)

DIR.GEN.C.S.I.R AND ORS.

Petitioner(s)

VERSUS

ARDHENDU SINGHA AND ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP,impleadment,permission to file rejoinder affidavit)

Date: 05/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s)

Mr. Raju Ramachandran, Sr. Adv.

Mr. Saket Sikri, Adv.

Ms. Madhu Sikri,Adv.

For Respondent(s)

Mr. S.K. Bhattacharya, Adv.for

Mrs.Sarla Chandra,Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The Appeal is allowed with costs of Rs.25,000/-.

(Parveen Kr. Chawla)

Court Master

(Kanwal Singh)

Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 489 OF 2007

(Arising out of SLP(C) No.16829/2005)

Director General, Counsel of Scientific
& Industrial Research and Others

..Appellants

Versus

Ardhendu Singha & Others

..Respondents

O R D E R

Delay condoned. Leave granted.

Against the order passed by the High Court on 18.12.1996 in C.O. No. 1720(W)/1993, the appellants filed an appeal which was dismissed on 22.8.2002. Thereafter, on an application filed by the appellants, the appeal was restored. The Appeal was again dismissed

for default on 6.1.2003. An application for recall of the order dated 6.1.2003 was filed which was also dismissed on 22.1.2004 on the ground that till that date no certified copy of the impugned judgment and order dated 18th December, 1996 was filed. Again, an application for recall of the order dated 22.1.2004 was filed which was dismissed on 17.3.2004. Lastly, Review application being CAN No.3066/04 (Review) was filed which has been dismissed on 13.05.2004 by the impugned order.

On the peculiar facts and circumstances of the case, we are satisfied that it is a case in which detailed examination of the impugned order passed by the learned Single Judge of the High Court is required to be made by the Division Bench. Accordingly, this appeal is allowed, orders passed in review and applications for recall of the orders dismissing the appeal are set aside and the appeal is ordered to be restored to its original number. The High Court shall now proceed with the appeal in accordance with law.

For the unnecessary harassment caused to the respondents and for default of the appellants, we impose a cost of Rupees twenty five thousand which is to be paid to the respondents. No orders are required on the application for impleadment and the applicants will be at liberty to approach the High Court, if they so desire. If such an application is filed the High Court shall consider the same in

accordance with law.

The Appeal is allowed with costs of Rs.25,000/-.

.....J.

[ASHOK BHAN]

NEW DELHI;

.....J.

FEBRUARY 05, 2007.

[V.S.SIRPURKAR]