

ITEM NO.205

COURT NO.3

SECTION IVA

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).12775/2009

(From the judgement and order dated 17/12/2008 in  
of The HIGH COURT OF M.P AT GWALIOR)

WA No. 225/2007

M.D., M.P.ROAD TRANSPORT CORP.&amp; ANR.

Petitioner(s)

VERSUS

DEVI CHARAN JHA &amp; ORS.

Respondent(s)

(For final disposal)

Date: 01/04/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE A.K. PATNAIKFor Petitioner(s) Mrs. Jayashree Wad,Adv.  
Mr. Ashish Wad,Adv.  
Mrs. Tamali Wad,Adv.  
Mr. Sameer Abhyankar,Adv.  
Ms. Dipti, Adv.  
Mr. Shikhar Srivastava,Adv.  
M/S. J.S. Wad & Co.,Adv.

For Respondent(s) Mr. Sanjai Kumar Pathak,Adv.(N.P.)

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

The learned counsel for the respondents has  
circulated a letter seeking a weeks's time to file a  
counter. None appears for the respondents.

It is seen from the record of proceeding dated  
22.3.2010 that this Court has noted that respondents 1  
2

and 2 have not filed their counter and posted the matter  
for final disposal.

In view of the above, the question of respondents  
filing a counter without an application and without leave  
of the court does not arise. Therefore, the request in  
the letter dated 30.3.2011 seeking one week time to file  
the counter affidavit is rejected.

However, strangely we find that the counter affidavit of the respondent No.1 and 2 have been filed in the office on 28.3.2011 and it is found at pages 109-118. Firstly, if the counter is already filed on 28.3.2011, it is not understandable why a letter dated 30.3.2011 is circulated seeking one week's time to file the counter. Secondly, when the court has recorded on 22.3.2010 that respondents have not filed their counter and directed the matter to be listed for final disposal, how the Registry accepted the counter and included it in the SLP paper book without any application. Thirdly, learned counsel for the petitioner states that a copy of the counter was not served on the counsel for the petitioner on 28.3.2011 as shown in the endorsement in the filing memo.

The Registry to look into the matter and place an explanation.

List the matter after two weeks.

3

( O.P. Sharma )  
Court Master

( M.S. Negi )  
Court Master