

ITEM NO.17

COURT NO.10

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

IA 1/2012 in
Petition(s) for Special Leave to Appeal Civil)...../2012
CC 7294/2012

(From the judgement and order dated 09/11/2011 in WP
No.4144/2011, of The HIGH COURT OF BOMBAY AT AURANGABAD)

GOPIKABAI RAMESHWAR OZA & ORS. Petitioner(s)

V E R S U S

LILAWATI VIJAYRAO SUTWANE(D) BY LRS. Respondent(s)

WITH I.A.1
(With appln(s) for c/delay in filing SLP)

Date: 04/05/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Mr. Ravindra Keshavrao Adsure,Adv.

For Respondent(s) Mr. Uday B.Dube,Adv.

U P O N h e a r i n g c o u n s e l t h e C o u r t m a d e t h e f o l l o w i n g
O R D E R

It is strange that this petition has been filed with the delay of 49 days and the learned counsel for the petitioner has forced the officers of the Registry to list this matter in the Mentioning List showing the urgency that the execution proceedings have started.

We fail to understand how any person can be permitted to take the benefit of his own

2

wrong and why the petitioner had been waiting till the execution proceedings started against him. In this matter, the High Court decided the case against the petitioner on 9.11.2011 and this Court was approached by filing this petition on 27.3.2012 and the matter was listed

before this Court in Mentioning on 20th April,
2012 when this Court passed the following
order:

"This special leave petition has been
filed on 27.3.2012 against the judgment
and order dated 9.11.2011 of the High
Court with the delay of 49 days.

The matter has come up before this
Court today in the mentioning list. The
mentioning matters are permitted only in
the case of grave urgency. We fail to
understand how the Registry has accepted
this matter for mentioning and listed
before the Court.

The Registry is directed to
furnish the explanation within one week
and list the matter alongwith the
explanation on the notified date."

We have asked the Registry to explain as
under what circumstances this file has been
sent to our house at 11.00 p.m. on 19.4.2012.

This was not the case where the urgency
was so grave that learned counsel should force
the Registry to place the matter urgently
before the Court.

We direct the Registry not to receive
3

this kind of mentioning and list the matter
before the court where the petitions are not
filed in time. If any lawyer force the
Registry to list the matter, the Registry is
directed to list it with a clear note in bold
letters that the lawyer has forced the
concerned officer to place that matter before
the Court so that the Court itself may examine
the urgency before entertaining the petition on
merit.

On merits

We find no merit in the special leave
petition and the same is dismissed on the

ground of delay as well as on merits.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master