

ITEM NO.18

COURT NO.9

SECTION IVA

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

Petition(s) for Special Leave to Appeal (Civil) No(s).14575/2012

(From the judgement and order dated 03/04/2012 in FA No.320/2012 of
The HIGH COURT OF M.P AT JABALPUR)

BACHCHA SHANKAR MISHRA

Petitioner(s)

VERSUS

SHRIKRISHNA PANDEY & ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim
relief and office report)

Date: 09/05/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mr. Sanjeev Kumar Dubey, Sr. Adv.(Not present)
Mr. Rahul Trivedi, Adv.
Mr. Prabodh Kumar, Adv.
Mr. T. Mahipal, Adv.
Mr. Malay Dwivedi, Adv.

For Respondent(s)

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

Even though we do not appreciate the conduct and manner in which the Petitioner has behaved in not producing his grand-daughter Gauri in the Court on the date fixed by Division Bench of the High Court of Madhya Pradesh at Jabalpur, but still deem it fit and proper to give an opportunity to the Petitioner in this regard.

Since a sincere attempt has been made by learned counsel for Petitioner to clarify that it was neither deliberate nor intentional not to produce Gauri in Court. The fact of the matter is that Gauri was not well on that

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day and thus, she could be taken to Jabalpur from Gorakhpur.

Admittedly, the Petitioner had neither filed medical certificate of Gauri nor the I.A. was supported by an Affidavit. In the given circumstances, the Division Bench of the said High Court had no option but to pass the order dated 26.04.2012 in First Appeal No.320 of 2012.

Today, learned counsel for Petitioner informed that he would produce Gauri on a date to be fixed by this Court. We find some merit and substance in the offer made by him.

We, therefore, direct the Petitioner to remain present in the High Court of Madhya Pradesh at Jabalpur and to produce Gauri before the Division Bench on Tuesday, the 15th May, 2012 in FA No.320 of 2012. Once Gauri is produced in the Court then Division Bench of the said High Court, would decide the matter with regard to her custody in accordance with law on merits.

The Registrar General of the High Court of Madhya

Pradesh at Jabalpur is directed to list the matter before an appropriate Bench on the said date (15.05.2012) as per the Roster.

The Registry of this Court is directed to inform the Respondents herein and learned counsel Mr. S. N. Tiwari of Jabalpur so that they can also remain present in the High Court of Madhya Pradesh at Jabalpur on Tuesday, the 15 th May, 2012.

In the light of the aforesaid directions, nothing survives in this Petition. The Special Leave Petition thus stands disposed of accordingly.

(Sanjay Kumar-II)
Court Master

(S.S.R. Krishna)
Court Master