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C.A.No. 4594 OF 1999

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.....L.....I.....T.....T.....T.....T.....T.....T.....J.....  
ITEM NO. 107 COURT NO. 5 SECTION IV

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 4594/1999

Dwarika Prashad Garg .. Appellant (s)

Vs.

State of M.P. & Anr. .. Respondent(s)

( With appln. for permission to submit additional document and with prayer for interim relief and office report )

With C.A. Nos. 4595/1999, 5929/1999, 5930/1999 ( With office report and ;prayer for interim relief in concerned matters )

DATE : 28.2.2002 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Appellant (s) : Mr. A.P. Dhamija, Adv.  
M/s Sushil Kumr Jain, Anjali Doshi  
Ruchi Kohli, Adv.  
Ms. Pratibha Jain, Adv.

Mr. Niraj Sharma, Adv.

For Respondent (s) : Mr. Satish K Agnihotri, Adv.  
Mr. W.A. Nomani, Adv.

Mr. Niraj Sharma, Adv.

Dr. T.N. Singh, Sr. Adv.  
Mr. Avijit Bhattacharjee, Adv.  
Mr. Atanu Saikia, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Learned counsel for the parties argued from 11.20 a.m. to 11.45 a.m.

Civil Appeal No. 4594/1999 is dismissed.  
Civil Appeal No. 4595/1999 is dismissed in terms of the order passed in C.A. 4594/1999.

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C.A. Nos. 5929/1999, C.A. No. 5930/1999@@  
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Learned counsel for the appellant submits that there are certain errors that have crept in prepration of the SLP and he seeks some time to correct the same.  
Call after two weeks.

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Charanjit

[ Om Prakash ]  
Court Master

[ Signed order is placed on the file ]

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4594/1999@@  
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Dwarika Prashad Garg .. Appellant

Vs.

State of M.P. & Anr. .. Respondents

With  
C.A. No. 4595/1999

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C.A. No. 4594/1999@@  
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The writ petition filed by the appellant came to be disposed of by an order made on 17.2.1995 following the decision in W.P. No. 1315/1989 disposed of on 23.8.1995. Thereafter, the appellant filed a Miscellaneous Case No. 355/1995 seeking action against the respondents for having committed the contempt of Court and the Court examined the matter and found that there was no contempt committed by the parties and, therefore, dismissed the said application. LPA filed against that stood dismissed. Hence this appeal by special leave.

We do not think the course adopted by the appellant is appropriate one. He should have worked out his right flowing from the order dated 7.2.1995 in an appropriate proceeding and not in a contempt proceeding. In that view of the matter the High Court is justified in having refused to initiate contempt proceedings. ~

The appeal is, therefore, dismissed.

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C.A. No. 4595/1999@@  
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This appeal is dismissed in terms of the order passed in C.A. No. 4595/1999.

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[ S. RAJENDRA BABU ]@@  
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[ P. VENKATARAMA REDDI ]@@  
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New Delhi,@@  
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February 28, 2002@@  
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C.A. Nos. 5929/1999, C.A. No. 5930/1999@@  
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Learned counsel for the appellant submits that there are certain errors that have crept in prepration of the SLP and he seeks some time to correct the same.  
Call after two weeks.