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C.A.No. 2809 OF 1979
tITEM No.32

Court No. 7

SECTION

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.2809/1979

SOHAN LAL GUPTA(DEAD) & ORS.

Appellant (s)

VERSUS

SMT. ASHA DEVI GUPTA & ORS.

Respondent (s)

(With Appln(s). for directions)

With

C.A.No.2810/1979

Date : 16/09/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE

HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s)

Mr. R.K. Maheshwari,Adv.
Mr. Rishi Maheshwari, Adv.
Mrs. Ritu Rastogi, Adv.

For Respondent (s)

M/s J.B. Dadachanji & Co.,Adv.
Mr. Parijat Sinha,Adv.

Mr. J.P. Goyal, Adv.
Mr. Rameshwar Prasad Goyal, Adv.
Mr. K.K. Gupta,Adv.

Mr Rao Ranjit,Adv.

Mr. Varinder Kumar,Adv.
Mr. Vineet Mahehwari, Adv.

Mr. Bijan Kumar Ghosh,Adv.
Respondent-In-Person
Mr. Shrish Kumar Misra,Adv.

Ms. Sangeeta Mandal, Adv.
Ms. Annindya Banerjee, Adv. for
M/s Fox Mandal & Co.,Advs.

Ms. Sandhya Goswami,Adv.
Mr Tarun Johri,Adv.
Mr. Chander Shekhar Ashri,Adv.

Mr. Ujjwal Banerjee, Adv.
Mr. P.D. Sharma,Adv.
Mrs. Inndira Sharma, Adv.
Mr. J.P. Pandey, Adv.
Mr. D.N. Mishra,Adv.

Mr. Senthil Jagadeesan, Adv.
Mr. V. Ramasubramanian, Adv.

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UPON hearing counsel the Court made the following

O R D E R

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This matter has been placed before this Court by reason of a letter sent by Hon'ble Mr. Justice M.K. Mukherjee, a former Judge of this Court for recording a conciliation between the parties. Admittedly, the parties are fighting this litigation and sufficient time has elapsed on the litigation and this Court thought it fit that the matter ought to come to an end at one stage or the other. With that objective in view, this Court appointed Hon'ble Mr. Justice M.K. Mukherjee, a former Judge of this Court, to act as a Conciliator. Since, however, about three years have passed but the matter has not yet been completed and Justice Mukherjee had to write to the Registry for appropriate directions regarding certain issues raised therein. Justice Mukherjee also pointed out that some of the parties though initially appeared but they did not continue with appearances but also have not paid the agreed remuneration.

After hearing the parties in the matter and on perusal of the letter of Justice Mukherjee, we do feel it expedient to record that enough time has been spent by the Conciliator to deal with the matter. As such, in the event the conciliation proceeding before Justice Mukherjee does not come to an end within a period of three months from the date hereof, it may be deemed that the parties are no longer interested to proceed with the conciliation proceeding and it would come to an end. The Conciliator
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will not have to act thereafter and he would stand discharged and the matter would be dealt by this Court in accordance with law.

Let it be placed on record that all the parties are present in Court today and it is the desire of this Court that there should be proper cooperation by all the parties before the Conciliator. The outstanding amount of remuneration be also paid within a period of four weeks from the date hereof.

Mr. B. Ghose, learned counsel for Respondent Nos.1 to 6 is directed to communicate this order to Hon'ble Mr. Justice M.K. Mukherjee with a request to fix an early date of hearing and the Conciliator is hereby also requested, accordingly, to act expeditiously thereon. Be it placed on record that the entire matter is before the Conciliator and, as such, the parties would be at liberty to agitate all the points of difference before the Conciliator.

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(R.K. Dhawan)
Court Master

(Shelly Sengupta)
Court Master