

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 (C) No(s). 14843/2009

(Arising out of impugned final judgment and order dated 30/03/2009
in LPA No. 64/2006 passed by the High Court of J & K at Jammu)

JYOTI SHARMA

Petitioner(s)

VERSUS

RAJINDER KUMAR SHARMA

Respondent(s)

I.A. No. 5 (Application for intervention)
(With interim relief and office report)
(For final disposal)

Date : 17/08/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Subhash Sharma, Adv.

Intervener Mr. Bankey Bihari Sharma, Adv.
Mr. Kishor Shankar Dave, Adv.For Respondent(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. Shankar Divate, Adv.

UPON hearing the counsel the Court made the following

O R D E R

I.A. No.5 of 2015 is filed by Rushali Sharma, daughter of the parties before us. She wants to intervene in the petition since she says that she would like to bring about a reconciliation between her parents.

The application for intervention was drawn and filed on 3rd August, 2015 by Mr. Bankey Bihari Sharma, advocate-on-record but it is pointed out by learned counsel for the respondent that the affidavit of Rushali Sharma is dated 24th July, 2015 which is about ten days before the application was drafted though it refers to the

contents of the application.

Under these circumstances, we called for the original record of the case and find that the affidavit is actually notarized on 25th July, 2015.

We are unable to understand how Rushali Sharma could have sworn an affidavit indicating the contents of an application drafted ten days later.

Upon being asked, Mr. Bankey Bihari Sharma says that he had drafted the application on the instructions of Mr. Subhash Sharma, advocate-on-record appearing for the petitioner. Mr. Subhash Sharma, advocate-on record for the petitioner says that the mistake was *bona fide*. We are not sure about the *bona fide* of Mr. Subhash Sharma, advocate on record for the petitioner or Mr. Bankey Bihari Sharma, Advocate-on record for the intervener in this matter since both of them are blaming each other for the misconduct.

We do not wish to take the matter any further but would like to place on record our displeasure on the conduct of Mr. Subhash Sharma and Mr. Bankey Bihari Sharma, advocates on record. We accept their unconditional apology for the misconduct.

Learned counsel for the intervener seeks leave to withdraw the application for intervention.

The application for intervention is dismissed as withdrawn.

I.A.5/2015 is disposed of.

List the matter on a non-miscellaneous day for final disposal in September, 2015.

(Meenakshi Kohli)
COURT MASTER

(Jaswinder Kaur)
COURT MASTER