

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

Petition(s) for Special Leave to Appeal (Civil) No(s).31089-31091/2009

(From the judgement and order dated 30/07/2009 in OSA No. 376/2007 & OSA No. 377/2007 & OSA No. 378/2007 of The HIGH COURT OF MADRAS)

SOMASUNDARAM & ANR. Petitioner(s)
VERSUS
V.SRINIVASAN & ORS. Respondent(s)

(With prayer for interim relief)

Date: 01/12/2009 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. E. Padmanabhan, Sr. Adv.
Mr. S. Rajappa, Adv.
Mr. Puran Chand, Adv.
Mr. S. Nanda Kumar, Adv.
Mr. G. Ananda Selvan, Adv.

For Respondent(s) Mr. P.V. Shetty, Sr. Adv.
Mr. K.K. Mani, Adv.
Mr. Ankit Swarup, Adv.
Mr. S.D. Venkateswaran, Adv.

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

We find that neither our SLP paper books nor the original file contains the order dated 20.11.2009 noting that a copy of letter written by C. Prakasam, Advocate, be kept on record. The order also notes that a copy of the said letter was enclosed to that order.

The learned counsel for respondents furnished copy of the order dated 20.11.2009 and a copy of the letter of C. Prakasam referred to in the order dated 20.11.2009. The said letter is dated 12.10.2009 and addressed to the District Collector/Accommodation Controller, Chennai stating that the petitioners herein have preferred special leave petition No. 28364/2009 before this Court

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ITEM NO.1 COURT NO.5 DATED 1/12/2009contd.

and the said SLP will be coming up before this court within two or three weeks for hearing, and that as the case is seized by this Court, the Collector should await the order passed by the Supreme Court and till such time present possession may be maintained by the Accommodation Controller.

But no such SLP had been filed. The present SLP has been filed only on 23.10.2009. Representation by a counsel to an authority that an SLP has been filed and is seized by this Court, to maintain the possession of his client, is a very serious misconduct committed by the counsel. Hence, issue a show cause notice to C. Prakasam, Advocate having his office at 256, New Addl. Law Chambers, High Court Buildings, Chennai-

600104 to show cause why action should not be initiated for such misrepresentation. The said show cause notice is returnable by 11th January 2010 on which date C. Prakasam, advocate should personally be present with his explanation. This file should be kept pending for the purpose of the enquiry.

Registry to explain how the order dated 20.11.2009 and the letter dated 12.10.2009 of C. Prakasam is not on record in spite of specific orders of the Bench on 20.11.2009. This file be kept pending for the purpose of enquiry.

Insofar as the special leave petition is concerned, it is dismissed. This will not come in the way of the second petitioner establishing the genuineness of the Will in accordance with law. This observation will not entitle the petitioners to continue in possession.

(Ravi P. Verma) (M.S. Negi)
Court Master Court Master