

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.614/2009

NIVEDITA P.HARAN

Petitioner

VERSUS

B.RAMDAS &amp; ORS.

Respondents

## O R D E R

The High Court by order dated 13.8.2008 reprimanded the petitioner-the Principal Revenue Secretary of the Government of Kerala for her conduct in a pending proceeding. When the Special Leave Petition filed by her came up before this Court on 7.1.2009, the learned counsel for the petitioner submitted that the petitioner will file an unconditional apology by the next date of hearing. Recording the said submission and acting on it, this Court directed issue of notice and granted interim stay of the order of the High Court in so far as the reprimand was concerned.

2. In pursuance to said order, the petitioner filed an affidavit dated 18.1.2009 which was not an unconditional apology as assured by the petitioner's counsel. When this was pointed out by this Court on

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8.3.2010, the learned counsel for the petitioner sought four weeks time to file a better affidavit of the petitioner tendering unconditional apology. Such an affidavit was not filed.

3. However, when the matter came up today, instead of filing such an affidavit, the learned

counsel for the petitioner on instructions from the petitioner, sought leave to withdraw this Special Leave Petition.

4. Learned counsel for the respondents submitted that the petitioner has abused the process of this Court by filing the special leave petition and obtaining an interim stay by assuring an unconditional apology and then proceeded to pass an adverse order against them; and therefore she should not be permitted to withdraw the special leave petition. If any such adverse order has been passed against the respondents, it is open to the respondents to challenge such order in accordance with law. That has nothing to do with the withdrawal of the special leave petition.

5. We, however, deprecate the conduct of the petitioner in first assuring this court that she will

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file an unconditional apology and on that basis obtaining an interim stay and thereafter when an appropriate affidavit of unconditional apology was insisted, seeking to withdraw the SLP, instead of filing the affidavit.

6. The Special Leave Petition is dismissed as withdrawn. It is needless to say that with the dismissal of the SLP, the reprimand by the High Court against her remains undisturbed.

.....J.  
[ R.V. RAVEENDRAN ]

ITEM NO.5

COURT NO.4

SECTION XIA

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).614/2009

(From the judgement and order dated 13/08/2008 in RP No. 590/2008 & WPC No. 16260/2008 & WPC No. 16363/2008 & WPC No. 16393/2008 of The HIGH COURT OF KERALA AT ERNAKULAM)

NIVEDITA P.HARAN

Petitioner(s)

VERSUS

B.RAMDAS & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 05/04/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. Nishe Rajen Shonker,Adv.  
Mr. P.V. Yogeswaran,Adv.

For Respondent(s) Mr. Pratap Venugopal,Adv.  
Ms. Surekha Raman,Adv.  
Mr. Dileep P. Adv.  
Ms. Deepti,Adv.  
Mr. G. Prakash,Adv.  
M/S. K.J. John & Co. ,Adv  
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UPON hearing counsel the Court made the following  
O R D E R

The Special Leave Petition is dismissed as withdrawn in terms of the signed order. It is needless to say that with the dismissal of the SLP, the reprimand by the High Court against her remains undisturbed.

(O.P. Sharma)  
Court Master

(M.S. Negi)  
Court Master

(Signed order is placed on the file)