

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).30417/2009

(From the judgement and order dated 05/10/2009 in EP No. 22/2009
of The HIGH COURT OF M.P AT JABALPUR)

ISHWARDAS ROHANI Petitioner(s)

VERSUS

ALOK MISHRA & ORS. Respondent(s)

(Office Report on default)

Date: 04/04/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
(In chambers)

For Petitioner(s)

Mr. Anup Jain, Adv.
Mr. S.K. Verma, Adv.

For Respondent(s)

For RR-1

Mr. Ashwani K. Dubey, Adv.
Mr. Aftab Ali Khan, Adv.
Ms. Anukanksha Singh, Adv.

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

On 30th November, 2009 this Court issued notice and
in the meantime, stayed the impugned order. Thereafter on
27th August, 2010 this Court, upon perusing the office
report observed that the petitioner has not taken any
steps for service of notice on Respondent Nos. 2 to 5.
Four weeks' time was allowed to the petitioner to effect
service on the unserved respondents. It was further

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directed that in case the service is not effected, the
Special Leave Petition shall stand automatically dismissed
without reference to the Court. Admittedly, service was
not effected in accordance with the aforesaid order.
Strangely, the Registrar again passed an order on 14th
January, 2011 directing to await return of notice on
respondent Nos. 2 to 4. The matter was listed on 11th
February, 2011. On that date it was noticed that notice

addressed to Respondent Nos. 3 to 4 have been returned
with an endorsement 'incomplete address'. Learned
counsel for Respondent No. 1 submitted before the
Registrar that deliberate efforts are being made to delay
the hearing of the special leave petition, as the matter
pertains to the illegal election of the petitioner. In
spite of such a submission being made, the Registrar again
thought it fit to grant a last opportunity to the
appellant to effect service on deposit of Rs.1,000/- in
the Supreme Court Legal Services Committee as costs.
Today, when the matter came up for hearing, the learned
counsel for the petitioner seeks further time to complete
the service. In my opinion, the Registrar committed a
serious error in entertaining any further proceedings in
this Special Leave Petition, even in the face of non
compliance of order dated 27th August, 2010. Since the
aforesaid order was peremptory in nature, no further
orders were required for dismissal of the special leave

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petition. I am of the considered opinion that the request
of learned counsel for the petitioner is wholly
unjustified and cannot be countenanced. The orders passed
by the Chamber Judge cannot be permitted to be flouted
with impunity. In view of the above, in accordance with
the order passed by the Chamber Judge dated 27th August,
2010, the Special Leave Petition shall stand dismissed.
Ordered accordingly.

(Sukhbir Paul Kaur)
Court Master

(Renuka Sadana)
Court Master