

REVISÉ
ITEM NO.23 COURT NO.7 SECTION IV-C

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 47026/2023

(Arising out of impugned final judgment and order dated 21-07-2017 in SA No. 840/2005 10-01-2023 in RP No. 1089/2018 28-04-2023 in MCC No. 273/2023 passed by the High Court Of M.p Principal Seat At Jabalpur)

PREMNARAYAN THROUGH HIS LR Petitioner(s)

VERSUS

PARMANAND BRAHMAN (SINCE DECEASED), THR. LRS. & ORS. Respondent(s)

(IA No.133996/2024-CONDONATION OF DELAY IN FILING and IA No.133995/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.133993/2024-EXEMPTION FROM FILING O.T. and IA No.133998/2024-CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)

Date : 02-09-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE PRASANNA BHALACHANDRA VARALE

For Petitioner(s) Mr. Aditya Kumar Dubey, Adv.
Ms. Harshita Sharma, Adv.
Mr. Subas Ray, Adv.
Mr. Neeraj Kumar Sharma, Adv.
Ms. Charu Sangwan, AOR

For Respondent(s)

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

Learned counsel appearing for the petitioner referring to the copy of review petition submitted that Mr. R.K. Samaiya, who was earlier the counsel for the petitioner before the High Court, had given 'No Objection Certificate' in September, 2010, and thereafter Mr. K.B. Vishwakarma, Advocate, was engaged.

However, in the year 2017, at the time when Mr. Samaiya had no instructions, he stated before the High Court that he has instructions to withdraw the appeal.

It was, further, submitted that in the review petition a specific plea was taken regarding the '*No Objection Certificate*' given by Mr. Samaiya and the engagement of Mr. K.B. Vishwakarma, Advocate for the petitioner, but the High Court did not consider this aspect and rejected the review petition also.

Issue notice on the application seeking condonation of delay as also on the special leave petition(s), returnable within four weeks.

Dasti, in addition, is permitted.

Liberty to serve notice on the standing counsel for the State of Madhya Pradesh is granted.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER

ITEM NO.23

COURT NO.7

SECTION IV-C

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R E C O R D O F P R O C E E D I N G S

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Ms. Charu Sangwan, AOR

For Respondent(s)

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

Learned counsel appearing for the petitioner referring to the copy of review petition submitted that Mr. R.K. Samaiya, who was earlier the counsel for the petitioner before the High Court, had given '*No Objection Certificate*' in September, 2010, and thereafter Mr. Munna Lal Shukla, Advocate, was engaged. However, in the year 2017, at the time when Mr. Samaiya

had no instructions, he stated before the High Court that he has instructions to withdraw the appeal.

It was, further, submitted that in the review petition a specific plea was taken regarding the '*No Objection Certificate*' given by Mr. Samaiya and the engagement of Mr. Shukla, advocate for the petitioner, but the High Court did not consider this aspect and rejected the review petition also.

Issue notice on the application seeking condonation of delay as also on the special leave petition(s), returnable within four weeks.

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