

ITEM NO.68+12

COURT NO.6

SECTION XI

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

Petition for Special Leave to Appeal (C) No.24806/2019

(Arising out of impugned final judgment and order dated 20-08-2019 in WC No.1216/2019 passed by the High Court Of Judicature At Allahabad)

SACHIN KASHYAP & ORS.

Petitioner(s)

VERSUS

SUSHIL CHANDRA SRIVASTAVA & ORS.

Respondent(s)

(IA No.166358/2019 - FOR APPROPRIATE ORDERS/DIRECTIONS; IA No.152274/2019 - FOR EXEMPTION FROM FILING O.T.; IA No.189118/2019 - FOR INTERVENTION APPLICATION; IA No.166360/2019 - FOR INTERVENTION/IMPLEADMENT; and, IA No.152273/2019 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No.37221/2019 (XI)

(IA No.189433/2019 - FOR CONDONATION OF DELAY IN FILING; IA No.177534/2019 - FOR CONDONATION OF DELAY IN REFILE/ CURING THE DEFECTS; IA No.177535/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.177536/2019 - FOR EXEMPTION FROM FILING O.T.)

SLP(C) No.26320/2019 (XI)

(IA No.163837/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No.163838/2019 - FOR EXEMPTION FROM FILING O.T.; and, IA No. 163836/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No.28740/2019 (XI)

(IA No.167927/2019 - FOR ADDITION / DELETION / MODIFICATION PARTIES; IA No.167925/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No.167928/2019 - FOR EXEMPTION FROM FILING O.T.; and, IA No. 167931/2019 - INTERVENTION/IMPLEADMENT)

SLP(C) No.28741/2019 (XI)

(IA No.167860/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No.167861/2019 - FOR EXEMPTION FROM FILING O.T.; and, IA No.167862/2019 - FOR INTERVENTION/IMPLEADMENT)

SLP(C) No. 28738/2019 (XI)
 (FOR ADMISSION and I.R.; IA No.170098/2019 - FOR ADDITION/DELETION / MODIFICATION PARTIES; IA No.170097/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No.170099/2019 - FOR EXEMPTION FROM FILING O.T.; IA No.170100/2019 - FOR INTERVENTION/IMPLEADMENT and IA No.170096/2019-PERMISSION TO FILE PETITION)

SLP(C) No.28739/2019 (XI)
 (IA No.166455/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.166456/2019 - FOR EXEMPTION FROM FILING O.T.)

SLP(C) No. 28534/2019 (XI)
 (IA No.176186/2019 - FOR EXEMPTION FROM FILING O.T.)

SLP(C) No. 28745/2019 (XI)
 (IA No.181542/2019 - FOR EXEMPTION FROM FILING O.T.; and, IA No.181544/2019 - FOR INTERVENTION/IMPLEADMENT)

SLP(C) No.29810/2019 (XI)
 (IA No.185626/2019 - FOR EXEMPTION FROM FILING O.T.)

SLP(C) No.28742/2019 (XI)
 (IA No.189139/2019 - FOR CONDONATION OF DELAY IN FILING THE SPARE COPIES; IA No.173767/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No. 173769/2019 - FOR EXEMPTION FROM FILING O.T.)

SLP(C) No. 29809/2019 (XI)
 (IA No.179611/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No.179612/2019 - FOR EXEMPTION FROM FILING O.T.; and, IA No.179610/2019 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No.28743/2019 (XI)
 (IA No.179678/2019 - FOR EXEMPTION FROM FILING O.T.)

SLP(C) No.29811/2019 (XI)
 (IA No.187628/2019 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.187626/2019 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP (C) Diary No.45189/2019
 (IA No.1079/2020 - FOR CONDONATION OF DELAY IN FILING; IA No.1080/2020 - FOR EXEMPTION FROM FILING O.T.; and, IA No.1078/2020 - FOR PERMISSION TO FILE PETITION)

Date : 17-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

Counsel for the Parties:

Dr. Sushil Balwada, AOR

Mr. Ayush Negi, Adv.
Mr. Himanshu Tyagi, AOR

Dr. Vinod Kumar Tewari, AOR

Mr. Ankur Yadav, AOR

Mr. Fuzail Ahmad Ayyubi, AOR

Mr. Vivek Sarin, Adv.
Mr. Kuldeep Jauhari, Adv.
Mr. Satish Kaushik, Adv.
Mr. Sadaf Chowdhary, Adv.
Mr. Vibhu Tiwari, Adv.
Mr. Aakarshan Aditya, AOR

Mr. Dushyant Parashar, AOR

Mr. Pramod Kumar, Adv.
Mr. Jabar Singh, Adv.
Mr. Praveen Bhati, Adv.
Ms. Tanya Kathuria, Adv.
M/s. V. Maheshwari & Co., AOR

Mr. Dinesh Kr. Goswami, Sr. Adv.
Mr. Shiv Sagar Tiwari, AOR
Mr. Rudra Vikram Singh, Adv.
Ms. Ritu Sharma, Adv.

Mr. Ramjee Pandey, AOR
Mr. Shiv Kumar Tiwari, Adv.

Ms. Harshita Raghuvanshi, Adv.
Mr. Rana Sandeep Bussa, Adv.
Mr. Shashibhushan P. Adgaonkar, AOR

Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Ms. Parul Shukla, Adv.
Mr. Ajitesh Soni, Adv.
Mr. E. C. Agrawala, AOR

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

SLP (C) Diary No.45189/2019

Permission to file the petition is granted.

Delay condoned.

Mr. Ramjee Pandey, learned counsel appearing for the petitioner invited our attention to order dated 14.10.2019 passed by this Court in SLP (Civil) Diary No.34878 of 2019, by which the direction no.(iii) in the operative portion of the judgment presently under appeal was directed to be stayed insofar as the petitioner in that matter was concerned.

It is submitted on behalf of the petitioners that the impugned judgment, particularly direction (iii), has been passed without considering any expert opinion and it has snatched the livelihood of the petitioners.

Issue notice.

Considering the facts on record, we stay the operation of direction no.(iii) in the operative portion of the impugned judgment insofar as the present petitioners are concerned.

The petitioners are at liberty to approach the District Magistrate and if any such application is preferred, the same shall be considered purely on merits of the matter and in accordance with law.

List all these matters for disposal on 24.01.2020 before the appropriate Bench.

**(MUKESH NASA)
COURT MASTER**

**(SUMAN JAIN)
BRANCH OFFICER**