

ITEM NO.32

COURT NO.2

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5116/2017
(Arising out of impugned final judgment and order dated 26/09/2016
in MA No. 495/2009 passed by the High Court of M.P. at Gwalior)

SUBHASH CHAND JAIN

Petitioner(s)

VERSUS

STATE OF M.P. AND ANR.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and interim relief
and office report)

Date : 20/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s)

Mr. N.K. Mody, Sr. Adv.
Mr. Adarsh Tripathi, Adv.
Mr. M.P. Shorawala, Adv.
Mr. Ankur Mody, Adv.

For Respondent(s)

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

Heard Mr.N.K.Mody, learned senior counsel along with
Mr.Adarsh Tripathi, learned counsel for the petitioner.

The present special leave petition calls in question the legal propriety of the order dated 26.09.2016 passed by the High Court of Madhya Pradesh, Bench at Gwalior in Miscellaneous Appeal No.495/2009 which has arisen from the order dated 07.02.2009 passed in Appeal No.16-A/2006 preferred by the State of Madhya Pradesh under Order 43 Rule 1(u) of the Code of Civil Procedure challenging the order dated 01.07.2006 passed by the learned Civil Judge under

Order 7 Rule 11, CPC dismissing the suit instituted by the State Government.

Having heard Mr.N.K.Mody, learned counsel for the petitioner, we are not inclined to interfere with the order impugned herein. However, we direct the learned Trial Judge to dispose of the Suit No.187-A/05 within six months hence.

The special leave petition is disposed of accordingly.

(Ashok Raj Singh)
Court Master

(H.S. Parasher)
Court Master