

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 1708 OF 2020
(Special Leave to Appeal (C) No(s). 13658/2017)

STATE OF MADHYA PRADESH

APPELLANT(s)

VERSUS

SHANTI NATH GURU UDAYNATH

RESPONDENT(S)

O R D E R

1. Delay condoned.
2. Leave granted.
3. This appeal is a classic example of how the State litigation is handled at different levels.
4. The first appeal was filed beyond limitation as was the second appeal before the High Court and the special leave petition, out of which the present appeal has arisen. Unfortunately, both, the first appellate Court and the High Court have dismissed the concerned appeals without keeping in mind the larger public interest and the possibility of passing appropriate direction against the State to take corrective measures against the erring official(s).

5. Considering the fact that the State is claiming ownership in respect of the suit land admeasuring 10 bigha situated in a prime area in the city of Gwalior and in the peculiar facts of the present case, we set aside the order(s) passed by the First Appellate Court as well as by the High Court and relegate the parties before the First Appellate Court (District Court, Gwalior) by restoring the said First Appeal, being Case No.A/2002 to its original file, to be decided on its own merits in accordance with law on the assumption that the delay in filing the remanded appeal stands condoned in terms of this order.

6. This indulgence is shown to the State on condition that the respondent should be compensated towards litigation costs quantified at Rs.50,000/- (Rupees fifty thousand only), to be later recovered from the erring officials of the State in due course. The payment of costs will be condition precedent for restoration of the first appeal. That be deposited before the District Court, Gwalior, within four weeks from today.

7. Copy of this order be forwarded forthwith to the Chief Secretary, State of Madhya Pradesh for information and necessary action to identify the erring officials and to recover the amount towards costs referred to above from them within six months from receipt of copy of this order and submit compliance report to this Court within the same time.

8. The appeal is allowed and pending application(s) shall stand disposed of.

....., J.
(A.M. KHANWILKAR)

....., J.
(VINEET SARAN)

....., J.
(DINESH MAHESHWARI)

NEW DELHI
FEBRUARY 19, 2020

ITEM NO.15

COURT NO.7

SECTION IV-A

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). 13658/2017

(Arising out of impugned final judgment and order dated 30-06-2015 in SA No. 761/2007 passed by the High Court Of M.p At Gwalior)

THE STATE OF MADHYA PRADESH

Petitioner(s)

VERSUS

SHANTI NATH GURU UDAYNATH

Respondent(s)

IA No. 1/2017 - CONDONATION OF DELAY IN FILING)

Date : 19-02-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Vaibhav Srivastav, Dy. Adv. Genl.
Ms. Damini K., Adv.
For Mr. Harsh Parashar, AOR

For Respondent(s) Ms. Anjana Prakash, Sr.Adv.
Mr. Prashant Shukla, Adv.
Ms. Anushree Shukla, Adv.
Mr. Arsh Dhanotia, Adv.
Ms. Pratibha Yadav, Adv.
Mr. Pashupathi Nath Razdan, AOR

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

Delay condoned.

Leave granted.

The appeal is allowed and pending applications shall stand disposed of in terms of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)