

REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CIVIL) NO. 26424 OF 2018

SHASHIKANT GANPAT JOGAL
RABIN MAJUMDER

... PETITIONER

VERSUS

THE STATE OF MAHARASHTRA & ORS. ...RESPONDENT

ORDER

1. I.A. Nos. 163019 of 2018, 163020 of 2018 and 164145 of 2018 in S.L.P. (C) No. 26424 of 2018 are dismissed. Shri Mathews Nedumpara, Advocate for the Petitioner, appeared before us on 22nd October, 2018. He stated that Rs.80 lakhs would be paid within a period of four weeks from 22nd October, 2018. The Court granted him a period of one week from 22nd October, 2018 to make the necessary payment. The order clearly stated:

“If the aforesaid payment is not made within one week, the special leave petition shall be dismissed without further reference to this Court.”

2. No such payment was made within the period of one week and hence, the special leave petition stood dismissed without further reference to this Court. However, on 14th November, 2018, Shri Nedumpara, appearing with an AOR, mentioned the same matter before us without informing us that the S.L.P. had already stood dismissed without reference to this Court. By suppressing the order dated 22nd October, 2018,

Shri Nedumpara obtained an order from this very Bench on 14th November, 2018 stating:

“List on Monday, the 19th November, 2018 along with IA No. 163019/2018 - Application for Modification of Order and IA No. 163020/2018 - Application for Direction.”

3. When the matter was listed before us today, we repeatedly asked Shri Nedumpara, why he did not disclose to us the order dated 22nd October, 2018 when the matter was mentioned before us on 14th November, 2018. To this, there was no answer. We then warned Shri Nedumpara that as a counsel appearing before the Court, his primary duty is to disclose all material facts to the Court before obtaining any order from the Court. We have warned him that such unbecoming conduct of an advocate who appears before this Court, will be sternly dealt with should any future incident of a like nature arise before this Court. We were inclined to impose heavy costs but have not done so only because the appellant, for whom Shri Nedumpara appears, already appears to be in dire straits financially.

.....J.
(R.F. Nariman)

.....J.
(Navin Sinha)

New Delhi;
November 19, 2018

ITEM NO.56

COURT NO.7

SECTION IX

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). 26424/2018

(Arising out of impugned final judgment and order dated 07-09-2018 in RPL No. 50/2018 passed by the High Court Of Judicature At Bombay)

SHASHIKANT GANPAT JOGAL

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.140048/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 163020/2018-CLARIFICATION/DIRECTION
IA No.-164145/2018-INTERVENTION/IMPLEADMENT
IA No.-163019/2018-MODIFICATION OF COURT ORDER)

Date : 19-11-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Mathews Nedumpara, Adv.

Mr. Rabin Majumder, AOR

For Respondent(s)

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

The Special Leave Petition is dismissed in terms of the signed reportable order.

Pending applications shall stand disposed of.

(MANAV SHARMA)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
ASSISTANT REGISTRAR