

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

I.A.NO. 5 IN CIVIL APPEAL NO. 4671 OF 2004

RAJNI TANDON

APPELLANT(S)

:VERSUS:

DULAL RANJAN GHOSH DASTIDAR AND ANR.

RESPONDENT(S)

O R D E R

This is an application filed by the respondents praying for re-hearing of the appeal which was disposed of by this Court by judgment and order dated 29.7.2009.

This appeal was directed to be listed for hearing during the Summer Vacation under the heading "Specially Directed Matter", by an order dated 25.11.2008 passed by the Bench presided over by Hon'ble the Chief Justice, pursuant to which an Advance List was issued for the convenience of the Bar, with the remarks "No letter for deletion will be entertained in the Specially Directed Matters." The records before us also disclose that a

notice was issued by the Registry on 15.5.2009 intimating all the advocates, including the advocates herein, that the matter would be listed during the Summer Vacation and would not be deleted from the Vacation Bench.

In terms of the aforesaid order, the matter was listed before us on 18.5.2009. The records also disclose that on 18.5.2009, Mr. Abhijit Sengupta and Mr. Ranjan Mukherjee appeared for the respondents. But Mr. Ranjan Mukherjee who is present in Court today disputes the fact that he was present in Court on that date. Be that as it may, the Record of Proceedings dated 18.5.2009 indicates the presence of the advocates for the respondents, in whose presence the matter was directed to be listed for hearing on 19.5.2009.

On 19.5.2009, only the counsel for the appellant appeared and none appeared for the respondents. After hearing the learned counsel for the appellant, hearing was concluded and the matter was reserved for judgment. The judgment ultimately came to be delivered on 29.7.2009.

In view of the aforesaid position, we find no ground to entertain this application for re-hearing which stands rejected.

.....J  
(DR. MUKUNDAKAM SHARMA)

.....J  
(DR. B.S. CHAUHAN)

New Delhi;  
November 16, 2009.

