

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5865 OF 2012
(Arising out of SLP(C) No.1673/2006)

MUNNA LAL KAROSIA

Appellant(s)

:VERSUS:

STATE OF M.P. & ORS.

Respondent(s)

WITH

SLP(C) NO.18120/2006, Civil Appeal NO.4665/2006 and
Civil Appeal NO.3510/2007

O R D E R

SLP(C) No.1673/2006:

Leave granted.

We have heard the learned counsel for the appellant at length. A bare perusal of the impugned order passed by the High Court indicates that although stigmatic remarks have been made against respondent No.6, he was neither present nor heard. The impugned order would have serious adverse civil consequences on the appellant. Such an order could not have been passed without compliance with the rules of natural justice. On this short ground, in our opinion, the order passed by the High Court

cannot be sustained. Accordingly, the impugned order passed by the High Court is hereby set aside and the appeal is allowed.

Application for impleadment is dismissed.

CIVIL APPEAL NO. 4665/2006:

The appellant herein was respondent No.1 in Contempt (Civil) Petition No.335/2006 before the High Court. It appears that the order dated 18.11.2005 passed by the High Court, was the subject matter of the SLP(C) No. 1673/2006. In the aforesaid special leave petition, this Court while issuing notice on 30.1.2006 directed status quo insofar as the posting of the petitioner in the above special leave petition was concerned.

Mr. Tankha, learned Additional Solicitor General appearing for the appellant submits that the appellant merely acted in obedience of the aforesaid order passed by this Court and restored the position of Mr. Munna Lal Karosia as it was on 30.1.2006. However, one Mr. Rakesh Kumar Arya filed a civil contempt, being Contempt (Civil) Petition No.335 of

2006 before the High Court. The aforesaid petition came up for hearing on 12.9.2006. The High Court was of the opinion that the appellant was aware of the fact that on 16.1.2006 Mr. Munna Lal Karosia had already been transferred and relived on 22.12.2005. In view of the above, the appellant was held guilty of the contempt. By an order passed today in SLP(c) No.1673/2006, the order passed by the High court on 18.11.2005 has been set aside. That apart, it appears to us that the appellant herein had only acted in obedience of the order passed by this Court on 30.1.2006. In such circumstances, it would not be possible to conclude that the appellant had deliberately disobeyed the directions issued by the High Court vide its order dated 18.11.2005.

This appeal is, therefore, allowed and the order passed by the High Court is set aside.

CIVIL APPEAL NO.3510/2007:

For the reasons mentioned in the order passed today in Civil Appeal No.4665/2006, the appeal filed by the State is also allowed.

SLP(C) No.18120/2006:

Mr. Jain, learned counsel at this stage submitted that since the order dated 18.11.2005 passed by the High Court has been set aside in SLP(C) No.1673/2006 only on the ground that respondent No.6 was not heard, the matter may be remanded back to the High Court. We are of the opinion that after such a long time, it would not be in the interest of justice to remand the matter back to the High Court. Accordingly, this special leave petition is dismissed as infructuous.

.....J
(SURINDER SINGH NIJJAR)

JUDGMENT

.....J
(H.L. GOKHALE)

New Delhi;
August 6, 2012.