

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. Nos.3-4 in SLP(C) Nos.1995-1996 of 2006

Abdul Gani Bhat

...Petitioner(s)

VERSUS

Chairman, Islamia College
Governing Board and others

...Respondent(s)

O R D E R

These applications have been filed by the petitioner with the following prayer:

"It is therefore prayed that the SLP 2995-96 of 2006 may be decided properly in light of the averments made herein and in light of the facts and averments made in the contempt petition 86-87 of 2009 and necessary clarifications and directions may graciously be passed."

In Special Leave Petition (Civil) Nos.1995-1996 of 2006, the petitioner had challenged order dated 21.11.2005 passed by the Division Bench of the Jammu and Kashmir High Court in LPA No. 200/2005. The same was disposed of by this Court on 24.3.2006 by recording the following order:

"Heard the petitioner, who is appearing in-person.

It has been submitted that the petitioner wants to

argue his case in person in LPA No.200 of 2005, which is pending in the High Court of Jammu and Kashmir at Srinagar. If such a prayer is made before the High Court, we have no doubt the same shall be considered and the petitioner shall be allowed to appear in-person.

The special leave petition is accordingly disposed of."

In these I.As., the applicant has claimed that the aforesaid order was defective inasmuch as the LPA was not pending before the High Court. He has then averred that when the order passed by this Court was placed before the High Court through IA (C) LPWA No. 326/2006, the same was dismissed by the Division Bench of the High Court by making derogatory observations against him and a cost of Rs.5,000/- was imposed. Thereafter, he filed Contempt Petition Nos.86-87/2009 before this Court, which were dismissed on 22.1.2010 on the ground that even though various allegations had been levelled against the contemnor, no prayer was made against him.

We have heard Shri Abdul Gani Bhat, who appeared in person and carefully perused the record. In our opinion, order dated 24.3.2006 cannot be termed as defective because the same was passed in the presence of the petitioner. If no matter was pending before the High Court, the petitioner, who was present in person should have brought it to the notice of the bench

which passed the order. In any case, after a time gap of almost 4 years, we do not find any valid ground much less justification to recall that order and decide the special leave petitions afresh.

The applications are accordingly dismissed.

NEW DELHI,
JANUARY 25, 2011.

.....J.
(G.S. SINGHVI)

.....J.
(ASOK KUMAR GANGULY)



JUDGMENT

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. Nos. 3-4 in

Contempt Petition (C) Nos.86-87 of 2009
in
SLP(C) Nos. 1995-1996 of 2006

Abdul Gani Bhat

...Petitioner(s)

VERSUS

Chairman, Islamia College
Governing Board and others

...Respondent(s)

O R D E R

These applications have been filed by the petitioner seeking initiation of contempt proceedings against the alleged contemnors.

The petitioner had challenged order dated 21.11.2005 passed by the Division Bench of the Jammu and Kashmir High Court in LPA No. 200/2005 by filing Special Leave Petition Nos.1995-1996 of 2006, which was disposed of by this Court on 24.3.2006 by recording the following order:

"Heard the petitioner, who is appearing in-person.

It has been submitted that the petitioner wants to argue his case in person in LPA No.200 of 2005, which is pending in the High Court of Jammu and Kashmir at Srinagar. If such a prayer is made before the High Court, we have no doubt the same shall be considered and the petitioner shall be allowed to appear in-person.

The special leave petition is accordingly disposed of."

In these I.As., the applicant has claimed that the aforesaid order was defective inasmuch as LPA was not pending before the High Court. He has then averred that when the order passed by this Court was placed before the High Court through IA (C) LPWA No. 326/2006, the same was dismissed by the Division Bench of the High Court by making derogatory observations against him and a cost of Rs.5,000/- was imposed. Thereafter, he filed Contempt Petition Nos. 86-87/2009 which were dismissed on 22.1.2010 on the ground that even though various allegations had been levelled against the contemnor, no prayer was made against him.

We have heard Shri Abdul Gani Bhat, who appeared in person and carefully perused the record. In our view, there is no valid ground much less justification for initiating proceedings against the respondents because a similar prayer made by him in Contempt Petition (Civil) Nos.86-87 of 2009 has already been rejected.

The applications are accordingly dismissed.

.....J.
(G.S. SINGHVI)

.....J.

(ASOK KUMAR GANGULY)

NEW DELHI,
JANUARY 25, 2011.



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CRLMP No.21733-21734 of 2010
in
SLP(C) Nos.1995-1996 of 2006

Abdul Gani Bhat

...Petitioner(s)

VERSUS

Chairman, Islamia College
Governing Board and others

...Respondent(s)

O R D E R

These petitions have been filed by Shri Abdul Gani Bhat for directing the Registrar of this Court to file complaint before the appropriate forum against the respondents for having made false statements before this Court.

The petitioner has referred to order dated 24.3.2006 passed in SLP(C) Nos. 1995-1996/2006, which were directed against order dated 21.11.2005 passed by the Jammu and Kashmir High Court in LPA No.200/2005. He has then averred that in the reply filed by respondent No.2, a number of false statements were made on the issue of payment of subsistence allowance, his designation in the College as Physical Instructor instead of Physical Director, Physical Education, the alleged filing of

dozens of cases against the college authorities and indulging in luxury litigation. He has also pleaded that the averments contained in paras 8 and 9 of the reply were also patently false and misleading and has prayed that action may be initiated against the respondents under Section 340 of the Code of Criminal Procedure.

We have heard Shri Abdul Gani Bhat, who appeared in person and carefully perused the record. In our view, there is no valid ground much less justification for issue of a direction to the Registrar to initiate proceedings against the respondents by filing complaint merely because some of the statements made in the written statement were, as per the petitioner's version, false.

The applications are accordingly dismissed.

.....J.
(G.S. SINGHVI)

.....J.
(ASOK KUMAR GANGULY)

NEW DELHI,
JANUARY 25, 2011.