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SLP(C)No. 11293-11294 OF 2001

ITEM No.205

Court No. 8

SECTION XI
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.11293-11294/2001

(From the judgement and order dated 2.9.99 & 12/01/2001 in CMWP
35983/99 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ORS.

Petitioner (s)

VERSUS

MANISHA DWIVEDI & ANR.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for exemption from filing O.T.)
(With IAs 4&5 for revocation of Court's Order dt.10.7.2001)
(For Final Disposal)

Date : 31/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr.Avadh Behari Rohatgi,Sr.Adv.
Mr. Ashok K. Srivastava,Adv.
Mr.Prakash K.Singh,Adv.

For Respondent (s) Dr.AM Singhvi,Sr.Adv.
Mrs Manik Karanjawala,Adv.
M/s RN Karanjawala,Nandini Gore,
Ankur Chawla,Hrishikesh baruah,Advs.

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

.....L....I.....T.....T.....T.....T.....T.....T.....J....J
.SP2

Interlocutory applications are allowed and the
special leave petitions are dismissed in terms of the
signed order.

.SP1

[Naresh Kumar]
Court Master

[Kanwal Singh]
Court Master

[Reportable signed order is placed on the file.]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

State of U.P. and Ors. ..Petitioner (s)
Versus
Manisha Dwivedi and Anr. ..Respondent (s)
(With IA.Nos. 4 and 5 of 2001)

O R D E R

The special leave petitions are filed against the order of the High Court dated 2.9.1999 and 12.1.2001 (in fact it is found to be 12.1.2000). Notice was issued on the special leave petitions on 10.7.2001. The respondents filed IAs. for revoking the notice on the allegation that correct facts were not brought to the notice of the Court.

Heard the learned counsel for the parties.

We are not inclined to consider these special leave petitions on merits for two reasons: first, notice was ordered on the basis, gathered from the documents filed in the special leave petitions, that the impugned order was passed on 12.1.2001; if that were to be correct there was no delay in filing the special leave petitions and it was accordingly so observed. Now, it turns out that the impugned order was passed on 12.1.2000 and not on 12.1.2001 and on the material on record we are satisfied that it is not a case of typographical error. Thus, there is a delay of more than a year which remains unexplained and, therefore, the special leave petitions cannot be entertained. Secondly, the impugned order is only an interlocutory order and the Writ Petition is still pending. This Court will not normally exercise its jurisdiction under Article 136 of the Constitution in respect of an interlocutory order except in special circumstances to prevent manifest injustice or abuse of the process of the Court. We do not find any special circumstances warranting our interference in this case.

Interlocutory applications are allowed and the special leave petitions are dismissed accordingly.

.....J.
(SYED SHAH MOHAMMED QUADRI)

.....J.
(S.N. PHUKAN)

New Delhi,
August 31, 2001