

ITEM NO.15

COURT NO.16

SECTION IX

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

Petition for Special Leave to Appeal (C) No.24862/2019

(Arising out of impugned final judgment and order dated 25-06-2019 in WP No. 3088/2017 passed by the High Court Of Judicature At Bombay At Nagpur)

MUKESH RAMDEVJI AGARWAL & ANR.

Petitioner(s)

VERSUS

BALMUKUND DHROVANARAYAN LOHIYA (HUF) & ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 25-10-2019 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Ranvir Singh, Adv.
Mr. Bharat Gupta, Adv.
Mr. Manish Verma, Adv.
Mr. Varun Tyagi, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.

For Respondent(s)

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

The Special Leave Petition is against the judgment and order dated 25.06.2019 passed by the Bombay High Court in Writ Petition No.3088/2017.

The High Court upheld the judgment and order dated 11.08.2014 passed by the Learned District Judge, Amravati dismissing the application filed by the petitioners for dismissal of the appeal being R.C.A. No.104/2014 on the ground of the same being barred by limitation.

The appellate Court as also the High Court have proceeded on the basis of the endorsement on the certified copy of the order under appeal and proceeded to hold that the appeal was within limitation, since in computing limitation, the time required for obtaining the certified copy is required to be excluded. The reasoning as of the Appellate Court confirmed and reiterated by the High Court is unexceptionable. Whether the certified copy was actually made ready before the date shown on the reverse of the certified copy; what are the circumstances on which the certified copy to the party was supplied earlier but later to another party though the applications were filed on the same date, are not issues which can be decided in these proceedings. Nor could the same have been decided by the High Court in a Writ Petition. The Courts are obliged to compute the limitation on the basis of the endorsement as contained in the certified copy. If there is any suspicion of unfair and/or improper practice, the remedy lies in initiating a domestic inquiry or may be criminal investigation against the concerned staff of the Court responsible for supply of certified copies.

The Special Leave Petition is dismissed.

(RACHNA)
SENIOR PERSONAL ASSISTANT

(BEENA JOLLY)
BRANCH OFFICER