

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

SMC(Cr1.) No.2/2019

RE : VIJAY KURLE & ORS.

Petitioner(s)

Date : 02-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

By Courts Motion, AOR

For Respondent(s)

R-2

Mr. Dhananjay, Adv.
Mr. Parthov Sarkar, Adv.

Respondent no.3-in-person

R-4

Mr. Amritpal Singh Khalsa, Adv.
Mr. Sanpreet Singh Ajmani, Adv.
For Mr. Mathews Nedumpara, Adv.UPON hearing the counsel the Court made the following
O R D E R

Mr. V.K. Dwivedi, learned counsel, appearing on behalf of Mr. Shubham Bhalla, AOR, for the respondents no.1 and 2 seeks permission of the Court to withdraw from the case. Permission is granted since Mr. Parthov Sarkar, learned counsel, has put an appearance on behalf of respondents no.1 and 2.

Respondent No.3, who has appeared in person, states that the Registry has not given complete copy of the annexures to him. Registry is directed to handover the copy of annexures today itself

by 4 p.m. to the respondent No.3. The respondents no.1, 2 and 3 are directed to file their reply to the petition within three weeks from today.

List on 30.09.2019. On that date all the contemnors shall remain present in-person.

An application has been moved by respondent No.4 Mr. Mathews Nedumpara for discharge. This contempt was registered basically on the joint complaint filed by the President of the Bombay Bar Association and the President of the Bombay Incorporated Law Society. In this complaint reference has been made to a communication (sent by respondents no.1 and 2) and the allegation against respondents no.3 and 4 is that they have acted in tandem with respondents no.1 and 2. Other than this allegation, there is no other material to show that respondent no.4 connived with respondents no.1 and 2.

Respondent No.4, in his discharge application, has stated that he barely knows respondents no.1 and 2 and has no concern with the communication sent by them. According to him, he is neither the author of this communication nor has he encouraged respondents no.1 and 2 to send the same. At this stage there is no direct material to connect respondent no.4 with the said communication.

We, therefore, discharge Shri Mathews Nedumpara at this stage. We make it clear that, in case, during the hearing of this case, it

is found that respondent no.4 is behind the issuance of this communication or that he has connived with respondents no.1 and 2, this order will not come in the way of this Court in summoning him again. Needless to say, respondent No.4 will have liberty to take all defences which may be available to him under law.

As far as respondent no.3 is concerned, we make it clear that we have not expressed any view on the matter.

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER