

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 24534/2023

(Arising out of impugned final judgment and order dated 17-03-2023 in DBCMA No. 185/2019 passed by the High Court Of Judicature For Rajasthan At Jaipur)

M/S RAJASTHAN MEDICAL SERVICE CORPORATION Petitioner(s)

VERSUS

M/S SHIVEK LABS LIMITED & ANR. Respondent(s)
(IA No.189185/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.189190/2023-EXEMPTION FROM FILING O.T. and IA No.189192/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 27-09-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mrs. Nilofar Khan, A.A.G.
Mr. Anjum Parvez, Adv.
Ms. Nilofar Khan, AOR

For Respondent(s)

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

Heard learned counsel appearing for the petitioner. The impugned order has been passed by the High Court without hearing the parties.

One of the order of the High Court reads thus:

"1. Counsel for the parties have not marked their presence before the Court as apparently they are abstaining from work pursuant to the call given by the office bearers of the Bar Association. Such non-appearance is clearly illegal and in breach of the order passed by the Hon'ble Supreme Court in the case of "Ex-Captain Harish Uppal Vs. Union of India & Anr. [2003 (2)

SCC 45]."

2. An application under Order 22 Rule 10 CPC has been filed on behalf of the applicant.

3. For the reasons stated therein, the same is allowed.

4. Applicant is directed to file amended cause title within a period of two weeks.

5. Let the matter be listed after two weeks."

It is unfortunate that High Court Bar Association at Rajasthan resolved to abstain from the court work and, therefore, the Court could not get assistance.

Delay condoned.

Issue notice returnable on 3rd November, 2023.

In the meanwhile, there will be a stay of the operation of the impugned order.

Considering the conduct of the Bar Association, we direct the petitioner to implead the concerned Bar Association of Advocates practicing at Jaipur Bench of the Rajasthan High Court as well as the Bar Council of India as party respondent Nos. 3 and 4 respectively.

Amended cause title shall be filed within one week.

(NEETA SAPRA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)