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ITEM NO.21

COURT NO.13

SECTION IV-C

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). 61179/2024

[Arising out of impugned final judgment and order dated 05-04-2024 in SA No. 156/2021 passed by the High Court of Madhya Pradesh at Indore]

THE STATE OF MADHYA PRADESH & ORS.

Petitioner(s)

VERSUS

GOKULCHAND & ANR.

Respondent(s)

(IA No. 21391/2025 - CONDONATION OF DELAY IN FILING SLP, IA No. 21390/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 21392/2025 - EXEMPTION FROM FILING O.T.)

Date : 31-01-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Nachiketa Joshi, A.A.G.
Mr. Bhupendra Pratap Singh, D.A.G.
Mr. Sarad Kumar Singhania, AOR
Ms. Rashmi Singhania, Adv.

For Respondent(s) :

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

1. We admire the courage with which the State of Madhya Pradesh has been filing Special Leave Petitions in this Court over a period of time with delay of 300/400 days.
2. The above is not the problem. The matter of concern is as to who is taking the decision to challenge a particular order passed by the High Court before the Supreme Court.
3. In the present case, the State preferred a Second Appeal under Section 100 of the Civil Procedure Code, 1908 before the High Court with delay of 656 days. The State was not able to assign any sufficient cause for this gross delay and, accordingly, the High

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Court rejected the plea to condone the delay. It is this order which has now been made a subject matter of challenge before this Court by filing the present Special Leave Petition and that too with delay of 177 days.

4. We could have dismissed this petition solely on the ground of delay but we do not intend to do this as we have something else in our mind.

5. We direct the Law Secretary of the State of Madhya Pradesh to remain present before us on 14-2-2025 along with the original files containing the decision taken to challenge the impugned order passed by the High Court declining to condone the delay of 656 days.

6. We would like to know who is that authority who took the decision that the order passed by the High Court is worth challenging before this Court.

7. List on 14-2-2025.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)