

ITEM NO.501

COURT NO.1

SECTION III-A

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

Civil Appeal Nos.10866-10867/2010

M. SIDDIQ (D) THR. LRS. ETC.

Appellant(s)

VERSUS

MAHANT SURESH DAS & ORS. ETC.

Respondent(s)

(With appln.(s) for direction)

WITH I.A. No.96279/2019 In C.A. No.4740/2011 (III-A)

(With appl.(s) for direction)

Date : 11-07-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s)

Dr. Rajeev Dhavan, Sr. Adv.
Mr. Ejaz Maqbool, AOR
Ms. Akriti Chaubey, Adv.
Ms. Qurratulain, Adv.
Ms. Tanya Shree, Adv.
Mr. Kunwar Aditya Singh, Adv.
Mr. Mohammad Abdullah, Adv.
Ms. Siddhi Padia, Adv.

Mr. Ranjit Kumar, Sr. Adv.
Mr. D. Bharat Kumar, Adv.
Mr. Yash Mishra, Adv.
Mr. Ankit Raj, Adv.
Ms. Indira Bhakhar, Adv.
Mr. Rajesh Singh, Adv.
Mr. Vineet Pandey, Adv.
Ms. Nidhi Jaiswal, Adv.
Mr. Santosh Kumar, Adv.
Mr. T. Bhaskar Gowtham, Adv.
Ms. Ruchi Kohli, AOR

For Respondent(s) Mr. Tushar Mehta, SG
Mr. Raghvendra Singh, Sr. Adv.
Mr. Madan Mohan Pandey, AAG
Ms. Aishwarya Bhati, Sr. Adv.
Mr. Vinod Diwakar, Adv.
Mr. Sanjay Kumar Tyagi, Adv.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashutosh Kumar Sharma, Adv.
Mr. Shashank Shekhar Singh, Adv.
Mr. Aviral Saxena, Adv.
Mr. B.N. Dubey, Adv.
Mr. Abhishek Singh Tomar, Adv.
Mr. Kamalendra Mishra, AOR

Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, Sr. Adv.
Ms. Swati Ghildiyal, Adv.
Mr. B.V. Balram Das, Adv.
Mr. B. Krishna Prasad, AOR

Mr. K. Parasaran, Sr. Adv.
Mr. Bhupender Yadav, Adv.
Mr. P.K. Singh, Adv.
Ms. Aditi, Adv.
Mr. Anirudh Sharma, Adv.
Mr. Amit Sharma, Adv.
Mr. Ajay Kumar Pandey, Adv.
Mr. Sandeep Singh, Adv.
Mr. Pranav Kumar, Adv.
Mr. Ashish Kumar Upadhyay, Adv.
Mr. Babul Kumar, Adv.
Mr. Y. Lokesh, Adv.
Mr. P. V. Yogeswaran, AOR

Mr. M. R. Shamshad, AOR
Mr. Nizam Pasha, Adv.
Mr. Aditya Samaddar, Adv.
Ms. Sarah Haque, Adv.

Mr. P.S. Narsimha, Sr. Adv.
Mr. Bhakti Vardhan Singh, AOR
Mr. Yash Mishra, Adv.
Mr. Vikas Singh Jangra, Adv.
Mr. Sarthak Nayak, Adv.
Mr. Shridhar Pottaraju, Adv.
Ms. Ankita Sharma, Adv.
Mr. Prakash Gautam, Adv.
Mr. Amit Kumar Pathak, Adv.
Mr. V.C. Shukla, Adv.
Mr. Rahul G. Tanwani, Adv.
Mr. Rishi Raj Sharma, Adv.

Mr. Tushar Thareja, Adv.
Mr. Sayooj Mohandas, Adv.
Mr. Praneet Pranav, Adv.

Mr. Sushil Kumar Jain, Sr. Adv.
Ms. Pratibha Jain, AOR

Mr. Ajay Bansal, Adv.
Mr. Gaurav Yadava, Adv.
Mr. B. K. Satija, AOR

Mr. Karunesh Kumar Shukla, Adv.
Ms. Shruti Visth, Adv.
Mr. Amit Pawan, AOR
Dr. Manoj Kumar, Adv.
Ms. Shweta Bharti, Adv.
Mr. Shantanu, Adv.
Mr. Anil Tiwari, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Vipin Kumar Saxena, Adv.
Mr. Yash Pal Dhingra, AOR

M/s. Fox Mandal & Co.

Mr. Shakil Ahmed Syed, AOR
Mohd. Parvez Dabas, Adv.
Uzmi Jameel Husain, Adv.
Mr. Vaibhav Tondon, Adv.

Mr. Vikrant Yadav, Adv.
Mr. Gaurav Dhingra, Adv.
Mr. M. C. Dhingra, AOR

Mr. Syed Shahid Hussain Rizvi, AOR
Mr. Syed Mansoor, Adv.
Mr. M.T. Khan, Adv.
Mr. Mujeebuddin Khan, Adv.
Mr. Jeeshan Rizvi, Adv.

Mr. Md. Shahid Anwar, AOR

Mr. Ranjit Kumar, Sr. Adv.
Mr. D. Bharat Kumar, Adv.
Mr. Yash Mishra, Adv.
Mr. Ankit Raj, Adv.
Ms. Indira Bhakhar, Adv.
Mr. Rajesh Singh, Adv.
Mr. Vineet Pandey, Adv.
Ms. Nidhi Jaisal, Adv.
Mr. Santosh Kumar, Adv.

Mr. T. Bhaskar Gowtham, Adv.
Ms. Ruchi Kohli, AOR

Mr. Ranjit Kumar, Sr. Adv.
Mr. Ayush Anand, Adv.
Mr. Shubhendu Anand, Adv.
Mrs. Swarupama Chaturvedi, AOR
Mr. Anish Kumar Gupta, Adv.
Mr. B.N. Dubey, Adv.
Ms. Devika Gulati, Adv.
Mr. Kumar Gaurav, Adv.
Mr. Robin Khokhar, Adv.

Mr. Anish Kumar Gupta, Adv.
Mr. Chandra Shekhar Suman, Adv.
Mr. Avdhesh Kumar Singh, Adv.
Ms. Rita Gupta, Adv.
Mr. Nisarg Chaudhary, Adv.
Mr. Puneet Sheoran, Adv.

Mr. Fuzail Ahmad Ayyubi, Adv.
Mr. Abdul Qadir, Adv.

Mr. Varinder Kumar Sharma, Adv.

Mr. R.N. Venjrani, Sr. Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. S.K. Rajora, Adv.
Mr. A.S. Syyed, Adv.

Mr. Hari Shankar Jain, Adv.
Mr. Vishnu Shankar Jain, Adv.
Mr. Sarath S. Janardanani, Adv.
Mrs. Vaishnavi Ranjana, Adv.
Mr. Vinay Rajput, Adv.

Mr. Syed Mehdi Imam, Adv.
Mr. Atif Suhrawardy, Adv.
Mrs. Shamama Anis, Adv.
Mr. Tabrez Ahmed, Adv.
Mr. Javed Muzaffr, Adv.

Ms. Ranjana Agnihotri, Adv.
Ms. Mamta Tiwari, Adv.
Ms. Sukanya Basu, Adv.

Ms. Vidyottama, Adv.
Mr. Ajay Kumar Pandey, Adv.
Mr. Sai Deepak, Adv.
Mr. Ravindra Lokhande, Adv.
Mr. Mukul Singh, Adv.
Mr. Rajesh Kumar Singh, Adv.

Mr. Harshit Kaushik, Adv.
Mr. Abhishek Atrey, Adv.

Mr. Nachiketa Joshi, Adv.
Ms. Sucheta Joshi, Adv.
Mr. Bharat Sood, Adv.
Mr. Ayush Anand, Adv.
Mr. Shubhendu Anand, Adv.
Mr. Ankit Raj, Adv.
Mr. R.K. Rajvanshi, Adv.
Mr. Harshvardhan Singh Rathore, Adv.

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

On 26th February, 2019, this Court had taken note of the fact that translation of the oral evidence as well as some of the Exhibits are on record. The order of the Court of the said date also records that the contesting parties have in their possession the said translated copies. To enable the parties to verify the accuracy or correctness of the translations, this Court by the aforesaid order of 26th February, 2019, had granted eight weeks' time. During the interregnum, it was the suggestion of the Court as to whether an amicable solution of the issues could be arrived at through the process of mediation.

The matter was fixed for consideration of the aforesaid limited aspect i.e. reference to mediation during interregnum of eight weeks, on 6th March, 2019, on which date arguments were heard. On 8th March, 2019, the Court referred the matter for mediation to a panel nominated by it, with a request to the mediation panel to submit an interim report

within four weeks. Such a report was duly submitted.

On 7th May, 2019 (prior to expiry of the period of two months w.e.f. the date of constitution of the Mediation panel by order dated 8th March, 2019), the Chairman of the Mediation Committee, Justice F.M. Ibrahim Kalifulla, a former Judge of this Court, submitted a report requesting for extension of time to complete the proceedings. Time was granted by this Court by its order dated 10th May, 2019, up to 15th August, 2019. By the said order dated 10th May, 2019, the parties were once again requested to intimate in writing their stand with regard to the accuracy or correctness of the translations. Such stand of the parties has not been laid before the Court till date.

In the meantime, an application bearing I.A. No.96279 of 2019 has been filed by the legal heirs of the plaintiff in Suit No.1 of 1989, corresponding to Civil Appeal No.4740 of 2011, seeking the following directions:-

“(a) This Hon’ble Court may be pleased to direct that the Proceeding entrusted to the Committee of Mediators appointed by this Hon’ble Court stand concluded.

(b) This Hon’ble Court may be pleased to direct listing of the above captioned appeal along with all other appeals for final hearing at the earliest possible date.”

We have perused the grounds on which the said prayers have been made.

Taking into account the earlier orders passed by this Court; the fact that mediation was suggested by this Court during the period of time which was otherwise required to make cases/appeals ready for hearing and the contents of I.A. No.96279 of 2019, we deem it proper to request Justice F.M. Ibrahim Kalifulla to inform this Court the progress of mediation till date and the stage at which the said process is presently at. It will be convenient to have the said report latest by 18th July, 2019, on which date further orders will be passed by this Court. We also make it clear that if this Court comes to a conclusion that, having regard to the report of Justice F.M. Ibrahim Kalifulla, the mediation proceedings should be ordered to be concluded, the Court will do so and order for commencement of the hearing of the appeals before it, tentatively, on and from 25th July, 2019, which hearings, if required, will be conducted on day-to-day basis.

Registry to list these cases for appropriate orders on 18th July, 2019 at 10:30 a.m.

(Chetan Kumar)
A.R. -cum-P.S.

(Anand Prakash)
Court Master