

(2009) 04 SC CK 0120

In the Supreme Court Of India

Case No : Civil Appeal No. 2414 of 2009 (Arising out of S.L.P. (C) No. 15706 of 2007)

Judges Colony Welfare Assn. and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 13-04-2009

Acts Referred:

Citation : (2009) 04 SC CK 0120

Hon'ble Judges : G. S. Singhvi, J;B. N. Agrawal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Application for impleadment is allowed.
2. Leave granted.
3. Heard learned Counsel for the parties.
4. By the impugned order, the High Court recalled earlier order dated 20.2.2007 passed in Writ Petition No. 3638 of 2006, and restored the writ petition to its original file by observing that Shri Prashant Chaudhary, learned Counsel appearing on behalf of the appellants, and Shri A.K. Mishra, learned Counsel appearing on behalf of the respondents, jointly agreed that order dated 20.2.2007 may be recalled.
5. Before this Court, an affidavit has been filed by Shri Prashant Chaudhary, Advocate, Supreme Court, wherein he has stated that though he appeared before the Allahabad High Court in Writ Petition No. 3638 of 2006 on 3.7.2007, he never consented for recall of order dated 20.2.2007.
6. We have heard learned Counsel for the parties. In view of the categorical averments contained in the affidavit of Shri Prashant Chaudhary, Advocate that he did not give consent for recall of order dated 20.2.2007, we consider it appropriate to remit the matter to the High Court for fresh disposal of the recall

application.

7. Accordingly, the appeal is allowed, impugned order is set aside and the matter is remitted to the High Court for disposal of the recall application on merits after giving opportunity of hearing to the parties.

8. The High Court is requested to dispose of the recall application within a period of four months from the date of receipt/production of copy of this order.