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**(1995) 03 KAR CK 0047**  
**In the Karnataka High Court**  
**Case No : M.F.A. No's. 312 and 313 of 1995**

Secretary, Bangalore Turf Club

APPELLANT

Vs

Prakash Srivatsava

RESPONDENT

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**Date of Decision :** 10-03-1995

**Acts Referred:**

Constitution of India, 1950 — Article 134

**Citation :** (1995) ILR (Kar) 1566 : (1995) 2 KarLJ 201

**Hon'ble Judges :** Saldanha, J

**Bench :** Single Bench

**Advocate :** S.G. Sundaraswamy, for the Appellant; C.M. Desai, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Saldanha, J.—These two Appeals which have been preferred by the Bangalore Turf Club & Others raise an interesting issue of some consequence not only to the present appellants but to a large number of situations of the present type that are increasingly coming up before the Law Courts. Under the Rules and Regulations applicable to various clubs, organisations and authorities not to mention companies and corporations disputes are manifest in relation to the passing of what may broadly be termed as disciplinary orders. Where there is a charge of misconduct or impropriety or a corrupt practice is alleged, there are two stages that the proceedings go through. The first of them is invariably the interlocutory one when certain transitory action is taken such as an order of suspension or the issue of a charge sheet etc. and the second being the terminal stage when an adverse order often follows. Regardless of the rigour of such orders they are challenged on numerous occasions through various forms of proceedings. We are not immediately concerned with the first category here but to my mind, the broad principles that would be applicable as far as the approach of a Court is concerned in all such, situations will have to be redefined. By and large, in the absence of manifest and absolutely glaring illegality that almost

constitutes a total perversion of negation of well defined procedural and Natural Justice principles, a Court would refrain from interfering with such proceedings, at an interlocutory stage. The issue gets far more complicated however when one reaches a situation of finality because the consequences or adverse orders are invariably harsh. The age old argument that is canvassed in such cases is that having exhausted the prescribed remedies, when the party approaches the Law Court, that the proceeding itself would virtually be rendered almost infructuous unless the adverse order is put into cold storage. The commonest situation is one where the order results in cessation of service or some similar penalty and the argument proceeds on the footing that unless the order is stayed, even if the aggrieved party were to ultimately succeed in the Court proceedings, that the issue would be of little consequence because the damage is irreparable. It is necessary to take into account the damage that occurs during the interim period such as in the case of an employee who is dismissed from service, who undergoes not only personal trauma but domestic and social stigma, economic hardship and all of these cannot be adequately compensated through an order of either reinstatement or backwages at some point in the distant future. A strong case is therefore made out for some sort of relief during the interim period. | On the other hand, the Courts need to take cognizance of the unpleasant fact that Judicial Proceedings undoubtedly take a long time to get disposed of and that if the punishment order comes to be stayed, it is as good as setting it aside vis-a-vis the errant party concerned, as also those on whom it is supposed to have a deterrent effect and that, in the long run and in the ultimate analysis it constitutes manifest miscarriage of Justice if that order is interfered with merely because some proceedings have been instituted.

2. What needs to be borne in mind and what emerges from a host of Judicial Decisions both Indian and from other parts of the World is the principle that as far as such domestic trials are concerned, that there are well defined principles on the basis of which they are required to be conducted. These essentially centre around the principles of Natural Justice and what can be defined as an extension of those principles. The procedure to be followed is well defined, the essence being that the proceeding must pass the test of fairness and if this has been done, the Court will then examine as to whether there is anything else that can be pointed out such as gross malafides which essentially constitute vindictiveness etc. and if it can be demonstrated on a prima facie appraisal of the record that the decision is so inherently bad or that the procedure has been so very wanting that no judicial authority would normally uphold the decision, it would be certainly a case for interference. Any Court at the interim stage or at the stage when an appeal is preferred on such an order, it will confine itself to an appraisal along these lines. A Court will also put itself on guard not to involve itself in too elaborate an examination because the parties before the Court are entitled to fairness in the course of the ensuing trial both in the matter of adducing evidence and in that matter of making their submissions on the basis of that evidence and therefore a Court will not record any definite findings nor will an

appeal Court for that matter, go into an indepth appraisal of the matter and make any observations that would either prejudge the issues or prejudice the party. As indicated by me earlier, if interference is to be called for, the approach indicated by me is all that a Court would follow. It is also equally necessary in this regard to bear in mind some of the special principles that apply to this class of cases which do border on the field of Criminal Law. The Supreme Court in the case of M.S. Sheriff Vs. The State of Madras and Others, had occasion, while dealing with a situation more or less of the present type to lay down one of the guidelines that has held good for the last several decades when the Court observed that whereas it is equally necessary that the guilty must be punished when facts are fresh in the public mind, pointed out with an equal degree of emphasis that it is of as much importance that an innocent person's reputation should be vindicated before the damage is too far gone. It is therefore a delicate balance that has to be applied in proceedings of this type and it is really that principle that will have to be put into obligation in the decision of these two Appeals. It is however necessary for me to briefly recount the situation in which these issues have arisen.

3. The appellants before me who are the Bangalore Turf Club had conducted two enquiries in the month of December 1994 and January 1995 vouching the conduct of the two plaintiffs who are race horse owners. I do not need to recount in great detail all aspects of the case except to mention that the two plaintiffs are father and son. The two incidents in respect of which action has been taken against them centre around two races one of them which was run in Bangalore in the month of July 1994 and the other in Mysore in October 1994, The proceedings that have been instituted by the Bangalore Turf Club cover not only the race that was held in this City under their jurisdiction but the action taken against the second plaintiff who is the son in relation to the Mysore incident which admittedly was in a race course run under the auspices of the Mysore Race Club. There is some controversy with regard to whether at all the Bangalore Turf Club (hereinafter referred to as the "B.T.C.") would and ought to have exercised any powers in respect of the Mysore incident which aspect of the case I shall deal with. The enquiry was on the allegation that a particular horse by the name of Angel of Mercy which had run in the race at Mysore is alleged to have been jerked by the jockey at the start of the race. According to the stewards, this constituted a malpractice in relation to the fair conduct of the race in so far as it interfered with the free movement of the horse and therefore had a bearing on the outcome. The matter was enquired into at Mysore and both the jockey and the trainer were held guilty of the act of misconduct and certain fines were imposed on the two of them, The matter was reported to the B.T.C. and the Stewards commenced an enquiry in the course of which they examined all aspects of the case including the concerned jockeys, trainers etc. and finally came to the conclusion that the second plaintiff who is the son was also responsible for the incident and therefore held him guilty and penalised him. It is the case of the B.T.C. that a complaint was received from one jockey by the

name of Kumar who alleged that the father Sri Kishan who is a race horse owner in his own right, is alleged to have instructed jockey Kumar who used to normally ride for him and who was to ride a horse by the name of Polite Applause on 20.7.94, that he should interfere with and obstruct the favourite that was expected to win in that particular race. It is on the basis of this allegation that the enquiry proceeded and the Stewards held Sri Krishna guilty of having attempted to indulge in this malpractice. As a result of these findings, the two plaintiffs were awarded punishments which were briefly to the effect that they would not be able to enter the premises of the B.T.C. and other allied bodies for periods ranging from one and a half to two years and also that the horses registered under their names would not be eligible to take part in racing activity. The orders in question are subject to appeal and both the plaintiffs filed appeals which came to be rejected. In this regard, I may briefly deal with one aspect of the matter that does not require much consideration to my mind. The plaintiffs who are respondents to these appeals filed two separate Suits challenging the orders passed against them and applied for the grant of interim relief. The learned trial Judge heard the parties at considerable length and disposed of both the I.As. through a common order. The learned Judge upheld the contention of the plaintiffs in both suits, that the balance of convenience lay heavily on the side of the plaintiffs, that irreparable injury would be done to them if the punishment orders were not stayed and consequently, directed that the orders shall not be given effect to until disposal of the suits. It is against these orders that the present Appeals have been directed. One of the grounds on which the learned trial Judge was inclined to grant interim relief was the plea that the relevant Rules prescribed that an appeal of this type is required to be disposed of as far as possible within a period of seven days and that in the present case, the orders were passed after ten days and that therefore, the order is ipso facto bad. This finding has been seriously assailed by the appellants and I need not go into any elaborate consideration with regard to the effect of non-disposal of an appeal within seven days. The spirit of the Rule only requires that the appeal must be disposed of on a top priority basis which is why an extremely short period of seven days has been prescribed but the use of the words "as far as possible" clearly pre-supposes that the approach has to be reasonable. If there is wanton and unconscionable delay in the disposal of the appeal, it is a different matter, but where the time prescribed has been marginally exceeded and where, as in the present case, there is a heavy record before the appellate authority, to my mind, such technicalities cannot be pressed into operation. The approach has got to be reasonable, fair and judicious and merely because the disposal was after ten days, an argument can never be upheld that the order itself is vitiated. For an appellate order to be vitiated will require something more substantial than a mere overstepping of the time limit. Under these circumstances, I am unable to agree with the finding of the learned trial Judge in this regard.

4. Mr. Sundaraswamy, learned Senior Counsel who appears on behalf of the B.T.C. submitted that this was a proceeding in which serious allegations have

been made against the plaintiffs and that having regard to the volume of money that is at stake in each of these races not to mention the large number of persons who are actively involved in them that it is very necessary for any authority, which includes a Court which is reviewing the action, to adopt a course of some rigorousness particularly in the light of the allegation that such malpractices are becoming rampant. Mr. Sundarswamy has taken me in some detail through the record of this case for the purpose of applying the two tests laid down by me. He submits that the B.T.C. was conscious of the fact that the law casts certain duties on it particularly with regard -to the Rules of Natural Justice and the fair conduct of the enquiry. He therefore submitted that each of the plaintiffs was informed both orally and in writing of the nature of the allegations against them and that they were afforded a more than full opportunity to put forward their defence. He further demonstrated to me that the material on the basis of which the authorities have proceeded such as the statements of the various persons were duly communicated to the plaintiffs and that these witnesses were kept present and offered for cross-examination. It is his case that the plaintiffs did participate in the enquiry and that the records indicated that they did not file any statement of defence in writing nor for that matter did they avail of the opportunity of cross-examining the witnesses. Learned Counsel submitted that the B.T.C.'s duty ended when it observed the requirements of law and that having done this, the procedure followed cannot be faulted. He therefore contended that at the preliminary stage where the record is required to be gleaned for the limited purpose of ascertaining whether there are any flagrant or apparent breaches of the well defined principles of law, that the trial Court has gone wrong in recording a finding that the enquiry was conducted in a manner that would call for serious concern.

5. Next Mr. Sundarswamy has submitted that the learned Judge has held against the B.T.C. on the ground of jurisdiction observing that the incident which took place within the precincts of the Mysore Race Club was duly enquired into by the Stewards of the Mysore Race Club which is an independent body and having found only the trainer and jockey guilty and punished them that it was wholly incompetent for the B.T.C. to have thereafter reopened the matter and exercised jurisdiction in respect of that event. Mr. Sundarswamy, with the assistance of the Rules of the B.T.C. pointed out to me that even if one does not go into any aspect of subordination, that it is totally undisputed that the B.T.C. which is a Turf Authority and which has promulgated the relevant Rules is the superior of the two authorities and that it is the B.T.C.'s Rules that apply to the Mysore Race Club Ltd. it is always open to the B.T.C. to reopen a case and to reconsider it but he clarifies that in the present instance the action taken by the B.T.C. constitutes neither of the two in so far as it is an extension of what has taken place in Mysore. According to learned Counsel, the incident was one of considerable seriousness and when the facts were placed before the B.T.C. the view of the authorities was that on the facts of that case taking action against the jockey and the trainer was inadequate in so far as the conduct of the owner also required to

be investigated into. Learned Counsel points out that there are deeper implications to these incidents in so far as whereas the jockey and the trainer whose services are hired, that it is the owners who have massive financial stakes and it is therefore very necessary to examine as to at whose instance such an act was done, who would be the real beneficiary thereof etc. He therefore submits that the exercise of powers by the B.T.C. which has virtually been shot down by the learned trial Judge even before the trial has commenced is an erroneous finding which must be set aside.

6. I shall deal with this aspect of the matter straightaway. The respondents' learned Counsel have pointed out to me that the incidents of this type necessarily depend on many factors such as the video tape of the race, the time when the complaint was lodged, the person who lodged the complaint, the report of the Steward who witnessed the race etc. and therefore necessarily meant that the most competent authorities to look into the incident and adjudicate on it are the Stewards of the Race Club itself. They pointed out to me the set up of the Mysore Race Club Ltd., the fact that it is an independent entity and the fact that the Stewards of that Club have all the powers against everyone who is responsible for a corrupt practice and to hear all those in the matter and he therefore submits after the action was completed, that reopening of the matter would be tantamount to sitting in appeal over that decision. It is their contention that the mere applicability of some set of Rules will not confer any special powers on the B.T.C. in the light of the independent status of the Mysore Race Club Ltd. and to this extent therefore, the finding of the learned Judge is bad and it is also argued on merits that there was virtually no material on the basis of which the authorities could jump to an adverse conclusion. This last aspect is within the province of an evaluation of the evidence by the trial Court which I shall not comment upon. It is the issue of basic jurisdiction alone that I am concerned with. As far as this aspect of the matter is concerned, it is true that the Mysore Race Club is an independent authority entitled to exercise powers. On an interest comparison of the two and the fact that the Mysore Race Club is bound by the Rules promulgated by the B.T.C., it will have to be held that between the two the B.T.C. must be regarded as the Apex Body. In such a situation, to my mind such an institution must necessarily be invested and must exercise what one may define in law as supervisory powers and while doing so, it is open to the Apex Body to review the proceedings conducted by the Mysore Race Club and if in the course of such a review it appears that some further steps are required to be taken, to my mind, the B.T.C. is well within its jurisdiction to do so. Before a bar of jurisdiction can be upheld by a Court, it will be necessary to ascertain as to whether there is a specific prohibition to the exercise of those powers of jurisdiction and in the absence of such a prohibition it would be wrong to loosely uphold a contention that the B.T.C. had no jurisdiction in this case.

7. In the course of the arguments Mr. Sundarswamy pointed out to me that the learned trial Judge has examined the law on the question as to whether the B.T.C. was justified in having refused the respondents' facility of engaging the

services of a Lawyer in the course of the enquiry. The learned Judge has recorded the finding that in a series of Decisions, the Courts have consistently taken the view that the refusal of legal assistance particularly in serious cases is fatal and that this is a ground on which the entire proceeding can be vitiated. Whereas the B.T.C. had contended that the Rules do not make provision for such legal assistance, the respondents' case is that there is no express prohibition in the Rules and that therefore, the club was wrong in having deprived the respondents of the services of a Lawyer. This issue will undoubtedly be examined in depth by the trial Court but as of now, I need to point out that Mr. Sundarswamy placed reliance in the Decision of the Supreme Court in *Crescent Dyes Case* wherein the Supreme Court has, after a detailed review of the law laid down that it is not an inflexible Rule that a Lawyer must be permitted but more importantly that where the Regulations indicate otherwise, that it would not be permissible to insist on the services of a Lawyer. The legal situation can therefore be summarised as follows.-

(a) That where the regulations do not permit a lawyer, the authority would be justified in refusing such legal assistance. The Courts have taken note of the fact that for purposes of defending a domestic enquiry, there are several other experienced and competent persons available such as union leaders or other qualified colleagues and that therefore, it is unnecessary to transform a domestic enquiry into a Court room battle by importing the services of a Lawyer who will inevitably insist on numerous technicalities and could perhaps give rise to a situation whereby the enquiry will be protracted and stalled by repeated applications and objections both oral and written.

b) That where the Regulations specifically permit the services of a Lawyer, the aggrieved party can insist upon such assistance because it is provided for.

c) Where the Regulations are silent, it would be difficult to hold that a Court must read into the Regulations either way and conclude that the denial of legal assistance would vitiate the enquiry. There is an underlying requirement of fair conduct of the proceedings which is the essence behind the Courts having repeatedly taken the view that legal assistance must be permitted in several situations. Those principles can now be culled out to read that where the allegations are extremely grave and where the status and condition of the party concerned is such that the person is so completely incompetent, ignorant, inexperienced and unable to get the assistance of any qualified person to assist and would therefore be rendered completely handicapped so much so that no valid defence can be pleaded or put up nor can the presenting authority's evidence be tested or refuted, that in such a situation alone if demonstrated to a Court can a party contend that the enquiry stands vitiated. It is only in such situations where the injustice is manifest and the enquiry is almost reduced to an *ex parte* hearing all of which could have been off-set through the presence of a Lawyer, that a Court would be required to reach out to a domestic enquiry. The Court Room atmosphere requires special skills but it also deals with a special

situation which is way beyond the holding of a domestic enquiry. One should not overlook the fact that the enquires are required to be conducted in keeping with the skills of those holding the enquiry and participating in it and a Lawyer invariably has a special advantage and this undue tilt should not be allowed to interfere with the normal course of the enquiry. There is nothing to prevent the participants in the enquiry from obtaining guidance and advice from legally qualified people which they can and must do; but this cannot justify the demand that Lawyer's participation must be permitted during the domestic enquiry in every case. To my mind, therefore the finding on the present record that the non-allowance of a Lawyer in these two cases was fatal to the enquiries is premature and requires to be set aside, though I must add that the issue is not concluded and it is still open to the plaintiffs, if that is a case, to demonstrate that they were so completely handicapped as to call into question the validity of the proceeding.

8. As far as the aspect of balance of convenience is concerned, a very strong plea was advanced on behalf of the plaintiffs before the trial Court that the consequences of the orders passed against them are virtually disastrous and fatal. The learned Counsel who represented the respondents before me did demonstrate that they are persons who have been race horse owners for several years, that they are well known in racing circles, that they own several race horses and that the stigma of these orders alone is so harsh that it would destroy them reputation wise. The fact that their name was cleared at some distant point of time would not undo the damage. More importantly, in economic terms it was submitted that the investment in the race horses owned by them runs into several lakhs or crores of rupees and that merely having regard to the fault of one of their jockeys that the horses cannot now be put to any activity other than racing which would mean that all those horses would have to be virtually written off. This last damage, according to learned Counsel is not going to be restored by the B.T.C. if the plaintiffs ultimately succeed. To this extent therefore, it was contended that regardless of what the other considerations may be that this Court must uphold the view that has been set out by the learned trial Judge in the order namely that the balance of convenience is heavily in favour of the plaintiffs. A reverse argument was also pressed into service namely that the incidents complained of are not something earth shaking but that they are common place acts of so called misconduct which are regularly taking place and that consequently, if the orders are suspended no wrong impressions will be created. Learned Counsel also pointed out in reply to the argument put forward by the appellant's learned Counsel who submitted that it is very necessary to totally eliminate the possibility of such a corrupt practice, that after what has happened, it is inconceivable to even assume that the respondents would so much as dare to repeat the incidents even if they would have otherwise wanted to do so, I cannot judge the mental make up of the plaintiffs. To my mind, that is hardly the consideration because there are far more basic and deeper issues involved in the present situation.

9. It was vehemently submitted by Mr. Sundarswamy on behalf of the B.T.C. that the allegation of the prevalence of malpractices is all the more reason for the authorities themselves and for that matter for a Court to be very rigorous in dealing with such situations. The submission basically proceeds on the footing that the disobedience of the ethical code and the Rules will take place with greater impunity if it is possible to get away with a very light punishment or if when rigorous punishments are awarded, they are easily suspended. To my mind, there is much substance in this argument in so far as one needs to take note of the fact that it is not the prevalence of malpractices or the breaches that matters but the fact that despite such a situation the authorities have taken pains to come to grips with it and in my opinion they deserve to be commended for having made a serious effort to stop such wrong and corrupt practices from going on. To this extent therefore before a Court interferes with such an order, extremely strong reasons will have to be demonstrated for interference such as an absolute travesty of the law. Courts in situations such as this will have to take Judicial notice of the fact that the B.T.C. is justified in pointing out that the racing activity having regard to the appeal that it has on a very large segment of the population involves participation of lakhs of persons and investment of crores of rupees. It is for these reasons that it is incumbent that the activity be conducted in consonance with principles of legality and fairness and that any attempt to pollute the conduct of racing through corrupt practices must be dealt with very seriously. It is in the light of this background, that the aspect of balance of convenience will have to be looked into. The scheme of the law requires that before action which is undoubtedly harsh, can be taken against a citizen whose financial future or reputation would be seriously affected as a result of such action, that a full, fair and proper enquiry must be conducted. If this procedure is bypassed or short circuited a Court will interfere at the initial stages. It was for these reasons that I have heard the learned Counsel representing the parties at very great length spread over several weeks and have taken the trouble to read the entire record that was placed before the Court as also to hear learned Counsel at length on the legal aspects that are of equal consequence. In this proceeding, I refrain from referring to specific parts of the record or to recount these decisions only for one reason namely that the plaintiffs who have approached the trial Court as also the respondents who are required to defend their action must be given an absolutely free and fair opportunity both as far as the facts and law are concerned when the trial Court hears the matters. To the very limited extent, that it was necessary to refer to the arguments and the principles on law that emerge from the submissions canvassed by the learned Counsel, I have done so but I need to further clarify that the observations in this Judgment which hold good as far as the interim stay orders are concerned shall not in any way influence the learned trial Judge in the course of the trial.

10. Having carefully evaluated the material placed before the Court and all relevant aspects of the case to my mind this is one of the situations where the learned trial Judge ought not to have stayed the orders passed against the two

plaintiffs. I am conscious of the consequences of those orders but those consequences are inevitable. I need to add here that however painful those consequences may be, a review or re-examination of a disciplinary proceeding before a Court of law is preceded by a full fledged enquiry and Appeal. Where an order is adverse, the party who approaches the Court undoubtedly comes there with a handicap in so far as the party approaches the Court in the face of well defined findings which are confirmed in an appeal. One cannot overlook the fact that two sets of proceedings even if they are not formal legal proceedings, which can safely be defined as quasi-judicial proceedings have been completed and one cannot straightaway ignore all that has transpired in these proceedings, the status of the persons who have decided the matter both at the initial stage and at the appeal and on a mere technicality or a stereo type argument that the legal proceeding would become infructuous, mechanically set them at naught through a stay order. In my considered view and in the present context, a Court has to consider the effect of such interference. Unfortunately, the wrong signals are conveyed through such hasty interference or premature interference to all parties concerned that a Court has interfered because it is of the view that the order is wrong or liable to be set aside. In many cases therefore it has the contra effect and the Courts have come under criticism for such interference because it has the result of conferring a premium on misconduct. This is not the scheme of the law and therefore as far as the interference in proceedings of this class are concerned, to my mind it is almost the reverse approach that the Court will have to adopt. The Court will have to take cognizance of the fact that the virtually domestic trial and the appeal have gone against the errant person and that therefore, the review or reconsideration that the Court is asked to do would virtually mean that the party has to demonstrate that the orders are inherently and fundamentally wrong and thereafter demonstrate that they will have to be substituted by orders to the contrary. If the case is viewed from this context to my mind, it would be abundantly clear that barring the small category of cases where it can be straightaway demonstrated that the procedure or the orders passed are so wrong, so illegal or so inherently perverse that they would have to be set aside at a later point of time, interference in this class of proceedings would hardly be justified particularly at the interim stage.

11. In the result, the two Appeals are allowed. The interim order passed by the learned trial Judge is set aside. Having regard however to the fact that the learned trial Judge, as is evident from the material produced before him and the quality of the order passed by him, has heard the parties in considerable detail and in so far as the recording of evidence is concerned that it would be necessarily limited. The trial Court is requested to take up the proceedings on a top priority basis and to dispose of the same in accordance with law. The Appeal to stand disposed of. In the circumstances of the case, there shall be no order as to costs. As a necessary consequence, the I.A. 1 in each of the suits stands dismissed.

12. At this stage, learned Counsel representing the respondents has applied for

leave to appeal to the Supreme Court. He submits, that there are several points of law that have been canvassed in these Appeals, that they are of substantial public importance, that racing by itself is a sport that is engaged in several parts of the Country and that under these circumstances this is a fit case in which this Court must grant Leave to Appeal to the Supreme Court. Learned Counsel has also prayed that the operation of this Judgment be suspended for a period of one month to enable the respondents to approach the Supreme Court. The application is vehemently opposed by the appellants learned Counsel who submitted that this is not a fit case in which this Court should grant Certificate but more importantly they submitted that this is an order passed at the interim stage and that consequently there can be no question of stay of operation of the Judgment.

13. The situations in which a High Court will grant Leave or Certificate to Appeal to the Supreme Court are well defined and are set out in Article 134 of the Constitution. It is essential in the first instance that the issue should not only be one of substantial public importance, which it is in the present case, but it must be demonstrated that the state of the law is such that the High Court considers it essential for the Supreme Court to settle the law or to lay down the law. The principles on the basis of which the Appeals have been decided have been culled out by me from numerous Decisions of our Courts particularly the Supreme Court and the Bombay High Court as also the English Courts and I do not see any conflict with regard to any of these principles. The Supreme Court is basically a Court of Constitutional Appeal and the grant of Certificate in a situation where there is no resolution of the law required or particularly in interim orders or applications is not permissible. Under these circumstances to my mind the application for Certificate to Appeal to the Supreme Court needs to be rejected.

14. As regards the application for stay of operation of the Judgment, I have had occasion to observe that the situations in which a Court would be justified in interfering with orders of this type particularly at the interim stage are well defined and that on the facts and circumstances of the present case no interference by the Civil Court was warranted. It was for this reason that this Court granted an interim stay when the Appeal was preferred against the order of the trial Court. Under these circumstances, both on facts and in law it would be a virtual contradiction in terms if this Court after having recorded the aforesaid findings were to stay the operation of the Judgment. Having regard to this position, the application for stay fails and stands rejected.