

(2014) 01 MP CK 0052

In the Madhya Pradesh High Court

Case No : Review Petition No. 349 of 2013

Smt. Kalpana Mudgal

APPELLANT

Vs

Narendra Bedi

RESPONDENT

Date of Decision : 13-01-2014

Acts Referred:

Citation : (2014) 01 MP CK 0052

Hon'ble Judges : Sujoy Paul, J;Brij Kishore Dubey, J

Bench : Division Bench

Advocate : Vivek Jain, for the Appellant; D.D. Bansal, for the Respondent

Final Decision : Allowed

Judgement

Sujoy Paul, J.—By filing this review petition, the petitioner has assailed the order dated 16.5.2013 passed in W.P. No. 3573/13. The singular ground advanced by Shri Vivek Jain is that the Writ petition No. 3573/13 was filed on 16.5.2013 and was listed before the bench on the same date. No notice was issued to the other side, yet the Court recorded that "with the consent matter heard finally". Only writ petitioner was heard and matter is finally decided which contains certain observations which are against the interest of the review petitioner. Thus, the bone of contention of Shri Vivek Jain is that the course adopted by the writ court was against the principles of natural justice and without hearing the review petitioner, the said order could not have been passed. Per contra, Shri D.D. Bansal submits that even if the review petitioner would have been noticed and heard, the fate/result would have been the same. He submits that the Writ Court has immense power to pass this kind of order without notice to the other side.

2. We have heard the learned counsel for the parties and perused the record.

3. In the considered opinion of this Court, the principle that justice is not only to be done but also seen to be done needs to be applied even to the Court proceedings. It is not in dispute that the writ petition was filed on 16.5.2013 and was decided on the same date without notice to the other side. The review

petitioner is aggrieved by the directions contained in the said order. In that event, in our considered opinion, the principles of natural justice should have been followed by the learned writ court and notice should have been issued to the other side. The writ court erred in disposing of the petition without hearing the review petitioner by giving direction which is detrimental to the interest of the review petitioner. This cannot be done without hearing the other side. The consent recorded by the learned writ Court is of no meaning because the other side was not noticed at all.

4. In Union of India (UOI) Vs. Sandur Manganese and Iron Ores Ltd. and Others, , the Apex Court held that principles of natural justice embody the right of every person to represent his interest to court of justice. Pronouncing a judgment which adversely affects the interest of the party to proceedings who was not given a chance to represent is unacceptable under the principles of natural justice. As analyzed above, the singular contention advanced by the review petitioner has substantial force and needs to be accepted. Resultantly, the order dated 16.5.2013 is recalled/reviewed. The Registry is directed to list W.P. No. 3573/13 for admission before the appropriate bench forthwith.

Review petition is allowed to the extent indicated above.

Registry shall keep copy of this order in the file of W.P. 3573/13.