

2025 LiveLaw (SC) 181

IN THE SUPREME COURT OF INDIA

BELA M. TRIVEDI; J., PRASANNA B VARALE; J.

Petition(s) for Special Leave to Appeal (Crl.) No(s).7862/2024,07-02-2025

[HARMANPREET SINGH *versus* STATE OF PUNJAB

Supreme Court Rules - Procedural Lapses by the Supreme Court Registry in accepting a counter affidavit and documents from a non-party (proposed respondent/complainant) without court permission for impleadment in a Special Leave Petition (SLP). The Court criticized the Registry for repeated lapses in accepting documents from non-parties and failing to comply with procedural rules. The Registrar (Judicial) was directed to submit a report on follow-up actions taken to address these issues. The Court emphasized strict adherence to Supreme Court Rules and directed the Registry to rectify procedural lapses. (Para 3, 6)

Arising out of impugned final judgment and order dated 17-05-2024 in CRM-M No.19508/2024 passed by the High Court of Punjab & Haryana at Chandigarh

For Petitioner(s): Mr. Salvador Santosh Rebello, AOR Mr. Saransh Bhardwaj, Adv.

For Respondent(s): Mr. Karan Sharma, AOR Ms. Ishma Randhawa, Adv. Mr. Ayush Anand, AOR

ORDER

1. On 14.11.2024, the Court had passed the following order: -

“1. A counter affidavit has been filed by the complainant/ proposed respondent no.2.

1. It appears that the application (IA No. 161791/2024) seeking impleadment of the said proposed respondent has not been allowed by the Court.

2. Registry is directed to explain as to how, such counter affidavit from the proposed respondent-complainant, who is not a party, could be accepted.

3. Counsel for the respondent-State seeks time to get instructions on the latest status of the investigation.

4. List the matter after two weeks.

5. Interim order to continue till the next date of hearing.”

2. Pursuant to the said order, the concerned Officers of the Registry have submitted the following explanation: -

“It is further submitted that Mr. Ayush Anand, Advocate for the Applicant had e-filed application seeking for impleadment of complainant i.e. Mr. Amandeep Singh as respondent along with Counter Affidavit.

The said application was registered by Section I-B and forwarded to the section II B and as per practice the documents received from Counsel through Section I B were presented before, the Hon'ble Court with office report dated 13.11.2024. Since there is no any specific rules in this regard and as per practice the same was done with a view that in case the counsel mention regarding the said document before the Hon'ble Court during the proceeding, the same must be available to the Hon'ble Court to avoid any inconvenience to the Hon'ble Court.

Inconvenience caused to the Hon'ble Court is deeply regretted.”

3. It may be noted that as per the Office Report dated 13.11.2024 the learned Advocate Mr. Ayush Anand had on 26.07.2024 filed an application registered as I.A. No.

161791/2024, seeking permission to implead the complainant as the respondent No. 2 in the SLP. Along with the said Application, he also filed a counter affidavit along with seven documents/annexures on behalf of the said applicant/complainant. It hardly needs to be stated that unless the applicant was permitted to be impleaded by the Court and unless he was permitted to file counter affidavit or the documents, the concerned Section/Branch of the Registry could not have accepted the said counter affidavit or the documents from the proposed party, and made such counter/documents part of the record. When the applicant was not a party respondent in the SLP, he could not have filed either the counter affidavit or presented any documents along therewith. It is very unfortunate that the concerned Dealing Assistant has tried to justify the lapse quoting the practice prevailing in the Registry, and the concerned Branch Officer and the Assistant Registrar have simply put their signatures on such unacceptable justification.

4. This Court has time and again observed that the concerned Section/Branch of the Registry is accepting the documents/reply/counter from the party, who would not be a party – respondent in the proceedings nor would he have filed any caveat. Many a times, the documents would be accepted, though absolutely illegible and not even type written.

5. This Court has also time and again drawn the attention of the Registry with regard to the non-compliance of the Supreme Court Rules and other Rules of Procedures in respect of the registration of the SLPs by passing Judicial Orders, however there does not appear to be any follow-up exercise undertaken to rectify the lapses and discontinue the wrong practices followed by the Registry de hors the Supreme Court Rules.

6. In view of the above, the Registrar (Judicial) is directed to submit the report and apprise the Court on the next date as to whether any follow-up action is taken on the Judicial Orders passed by the Court on the working of the Registry, and if yes, what actions have been taken so far.

7. List on 21.02.2025.

8. Interim order to continue till the next date of hearing.