

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 9623/2024

[Arising out of impugned final judgment and order dated 25-06-2024 in CRLA No. 1441/2023 passed by the High Court of Kerala at Ernakulam]

SADDAM HUSSAIN MK & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 155544/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 155548/2024 - EXEMPTION FROM FILING O.T., IA No. 256836/2024 - PERMISSION TO FILE ADDITIONAL, DOCUMENTS/FACTS/ANNEXURES, IA No. 249178/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Crl) No. 11932/2024 (II-B)

(IA No. 196964/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 196965/2024 - EXEMPTION FROM FILING O.T.)

SLP(Crl) No. 12003/2024 (II-B)

IA No. 197960/2024 - EXEMPTION FROM FILING O.T.)

SLP(Crl) No. 11773/2024 (II-B)

IA No. 239882/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Crl) No. 14275/2024 (II-B)

(FOR ADMISSION and IA No.237720/2024-EXEMPTION FROM FILING O.T.)

Diary No(s). 43559/2024 (II-B)

(FOR ADMISSION and I.R. and IA No.276392/2024-EXEMPTION FROM FILING O.T. and IA No.276394/2024-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS and IA No.276393/2024-PERMISSION TO FILE LENGTHY LIST OF DATES)

with

Special Leave to Appeal (Crl.) No(s). 15036/2024

IA No. 249501/2024 - EXEMPTION FROM FILING O.T.

IA No. 249506/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

Diary No(s). 43566/2024 (II-B)
(IA No. 242369/2024 - CONDONATION OF DELAY IN FILING
IA No. 242368/2024 - EXEMPTION FROM FILING O.T.
IA No. 242367/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES)

SLP(Crl) No. 14548/2024 (II-B)
(IA No. 242358/2024 - EXEMPTION FROM FILING O.T.
IA No. 242361/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES)

SLP(Crl) No. 14432/2024 (II-B)
IA No. 240392/2024 - EXEMPTION FROM FILING O.T.
IA No. 240393/2024 - PERMISSION TO FILE LENGTHY LIST OF DATES)

SLP(Crl) No. 15693/2024 (II-B)
(IA No. 260581/2024 - EXEMPTION FROM FILING O.T.
IA No. 260592/2024 - PERMISSION TO FILE SYNOPSIS AND LIST OF DATES)

Date : 20-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. Suryaprakash V.Raju, A.S.G.
Mr. Kanu Agrawal, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Arvind Kumar Sharma, AOR

Dr. Aditya Sondhi, Sr. Adv.
Mr. Raghenth Basant, Sr. Adv.
Mr. Vishnu Pazhanganat, Adv.
Mr. Haris E A, Adv.
Mr. Haris Ea, Adv.
Mr. Anubhav Kumar, Adv.
Mr. Akshay Sahay, Adv.
Ms. Aishwarya S M, Adv.
Ms. Kaushitaki Sharma, Adv.
Mr. A. Karthik, AOR
Ms. Hima Bhardwaj, Adv.

(Item 68) Mr. Rajkumar Bhaskar Thakare, A.S.G.
Mr. Rajat Nair, Adv.
Mr. Sabarish Subramanyam, Adv.
Mr. Annirudh Sharma-(ii), Adv.
Mr. Raghav Sharma, Adv.
Mr. Vishnu Shankar Jain, Adv.
Ms. Astha Singh, Adv.

Mr. Mrigank Pathak, Adv.
Mr. Arvind Kumar Sharma, AOR

For Respondent(s) Mr. A. Karthik, AOR

Mr. Rajkumar Bhaskar Thakare, A.S.G.
Mr. Rajat Nair, Adv.
Mr. Mrigank Pathak, Adv.
Mr. Raghav Sharma, Adv.
Mr. Vishnu Shankar Jain, Adv.
Ms. Astha Singh, Adv.
Mr. T.S.Sabarish, Adv.
Mr. Annirudh Sharma-(II), Adv.
Mr. Arvind Kumar Sharma, AOR

(Item 68) Mr. K. Parameshwar, Sr. Adv.
Mr. Vishnu Pazhanganat, Adv.
Mr. Haris E A, Adv.
Mr. A. Karthik, AOR
Ms. Smrithi Suresh, Adv.

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

Perused the office report dated 19th December, 2024. At last, six remaining petitions have been listed today. When there is an order of the Court directing listing of the cases specifically assigned to that Bench, the Registry cannot defy the order and refuse to list the cases on the ground that there was non-compliance with procedural aspects. The Registry is relying upon Rule 2 of Order XV of the Supreme Court Rules, 2013 which enjoins petitioner to serve notice of the caveat along with copy of the petition to the Caveator. In this case, six petitions were not listed notwithstanding the directions of this Court to list the same on the ground that the Advocate for the petitioner had not produced on record the proof of a service of copies of the

petitions on caveators.

We do not find any Rule in the Supreme Court Rules, 2013 which provides that on the ground of the failure to comply with requirements of Rule 2 of Order XV, a case cannot be listed before the Court even if there is a direction of the Court to list it. There may be cases of extreme urgency. In such cases, the Registry cannot rely upon Rule 2 of Order XV and refuse to list the case.

We may at this stage refer to Section 148A of the Code of Civil Procedure, 1908. If a caveator files a caveat, he gets right of hearing when the court considers the prayer for interim relief. In appeal or in Special Leave Petition, a caveator does not have right to be heard on the issue of grant of leave or admission of the appeal. He has a right of hearing on the prayer for interim relief. Moreover, apart from the obligation under sub-Section (5) of Section 148A of the petitioner/appellant, under sub-section 3 of Section 148A even this court is under an obligation to issue a notice of the application for interim relief to the caveator once it is noticed that there is a caveat filed.

Therefore, when there is a direction of the Court to list SLPs/appeals notwithstanding non-compliance with Rule 2 of Chapter XV of the Rules, Registry can always list the case before the Court with an office report highlighting the failure of the petitioner/appellant to comply with requirements of Rule 2 of Order XV of the Rules. We hope that the incident of defiance with the order of this Court is not repeated. However, no action is called for against erring court officials.

Registrar (Judicial) to take a note of this order.

Diary No(s). 43559/2024 (Item 2.6), SLP (Crl.) No.15036/2024 (68), Diary No(s). 43566/2024 (68.1), SLP(Crl) No. 14548/2024 (68.2), SLP(Crl) No. 14432/2024 (68.3), SLP(Crl) No. 15693/2024 (68.4)

Application seeking exemption from filing official translation is allowed.

Delay condoned.

Issue notice.

To be heard along with SLP (Crl.) No.9623/2024 and other connected matters.

We permit common counter to be filed in 17 SLPs filed by the Union of India.

List all the matters on 17th January, 2025.

(KAVITA PAHUJA)
AR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)