

O.A/52/86

10 (2)

Coram : (1) P.H. Trivedi (Vice Chairman)
(2) P.M. Joshi (Judicial Member)

B.P. Tanna
Mr. A.N. Shah learned counsel for the applicant is present. However Mr. J.D. Ajmera learned counsel for the respondent seeks for the time to file the reply for the respondents. The case is therefore adjourned for further directions on 29th July 1986. In the meantime, Mr. Ajmera should furnish a copy thereof to the learned counsel.

15-7-86

Joshi
(P.M.JOSHI)

J.M.

Trivedi
(P.H. TRIVEDI)

V.C.

D.A. NO. 52/86

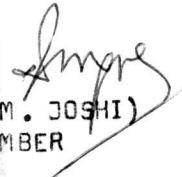
(3)

CORAM : HON'BLE MR. P.H. TRIVEDI
HON'BLE MR. P.M. JOSHI

.. VICE CHAIRMAN
.. MEMBER

29.7.86

Mr. J.D. Ajmera, the learned counsel for the respondents had filed the Affidavit-in-Reply to the application. The matter seems to be ready for final hearing. The case is therefore, adjourned to 3rd October, 1986. In the meantime, the applicant would be at liberty to file the Re-joinder, if any, within two weeks from this day.


(P.M. JOSHI)

MEMBER


(P.H. TRIVEDI)

VICE CHAIRMAN

(W)

O.A. No. 52/ '86

CORAM : Hon'ble Mr. P H. Trivedi.. Vice Chairman
Hon'ble Mr. P.M. Joshi.. Judicial Member.

3/10/ '86

Heard learned advocate for the applicant Mr. Thanna.
O.A. 52/86 in the nature of the Misc. application
in which interim order has already been passed.
S.C. A. No. 4515/85 being heard. R&P in this
case may be transferred and after processed by the
same by the Registry the same may be placed on the
board. The case is adjourned to 12th November
1986. In the meantime, the misc. application
in the form of O.A. 52/86 stands dispose of. This
order may be placed on the record of SCA No. 4515/85,
when transferred and after processed. In the
meantime the interim relief granted to continue
upto further orders.

Renu

(P.H. Trivedi)
Vice Chairman

Amo
(P.M. Joshi)
Judicial Member.

(6)

O.A. No. 52/ '86

CORAM : Hon'ble Mr. P H. Trivedi.. Vice Chairman
Hon'ble Mr. P.M. Joshi.. Judicial Member.

3/10/'86

Heard learned advocate for the applicant Mr. Thanna. O.A. 52/86 in the nature of the Misc. application in which interim order has already been passed. S.C. A. No. 4515/85 being heard. R&P in this case may be transferred and after processed the same by the Registry the same may be placed on the board. The case is adjourned to 12th November 1986. In the meantime, the misc. application in the form of O.A. 52/86 stands dispose of. This order may be placed on the record of SCA No. 4515/85, when transferred and after processed. In the meantime the interim relief granted to continue upto further orders.

Phew

(P. H. Trivedi)
Vice Chairman

Amo
(P. M. Joshi)
Judicial Member.

M.A./511/88

in

O.A./52/86

(H)
(S)

CCRAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Judicial Member

20/07/1988

Heard Mr. J.D. Ajmera learned advocate for the applicant. There is no proof of service of notice on the on the respondent. Application be served on the respondent and his advocate and the case be posted for hearing on continuing of interim relief on 8th August, 1988.

Trivedi
(P H Trivedi)
Vice Chairman

JM
(P M Joshi)
Judicial Member

*Mogera

(6) (2)

Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman
Hon'ble Mr. P.M. Joshi : Judicial Member

5/9/1988

ORDER

Per: Hon'ble Mr. P.M. Joshi : Judicial Member

In this application filed by the applicants, (original respondents) in O.A./52/86, it is prayed that the interim relief granted earlier in OA/52/86, which has been ordered to be continued, be vacated. According to Mr.J.D.Ajmera, the learned counsel for the applicants (original respondents), such order was passed under the impression that the original application i.e. S.C.A.No.4515/85 filed by the respondent in the High Court was pending. However, on the date on which the Tribunal passed the order i.e. 3.10.1986 and disposed of O.A. 52 of 86, the said S.C.A.No.4515/85 filed by the respondent in the High Court was already withdrawn on 21.1.1986 and therefore there was no justification for continuation of such interim relief.

2. Mr.D.V.Mehta for Mr.B.P.Tanna the learned counsel for the respondent has opposed the application on the ground that he has filed another Miscellaneous application to-day before the Registry seeking review of the order dated 3.10.1986 passed by the Tribunal in O.A./52/86. Learned counsel contended that the interim relief was given not only by the High Court but was allowed by the Tribunal in its order and that he had contended that he had withdrawn the case from the High Court and accordingly the Miscellaneous Application No.124/86 was renumbered as O.A./52/86.

RECEIVED

in

OA\25\98

Case: High Court of P.M. B.M. Division
Date: 1995-07-10
Report: Direct. B.M. Report

OA\25\98

Q.D.R.

Per: High Court Mr. B.M. Justice

In this application the parties are
O.A.\25\98, in O.A.\25\98, in O.A.\25\98 (hereinafter referred to as the Respondents)

versus the Intermediate Tribunal for
High Court Peed Discrepancy, the Appellant,
According to M.L.D. V. M.L.D. According to
the Intermediate (Court of Discrepancy), each other

was seeking under the Interim Order of the Appellate
Court of S.C.A. No. 421/95 by the Respondents
in the High Court was denied. However, on the date

of 10.6.1995 the Respondents filed a writ of habeas corpus in the High Court of P.M. B.M. Division

on the date of 25.7.95 the High Court was given a stay order by the Court of P.M. B.M. Division

and the Respondents filed a writ of habeas corpus in the High Court of P.M. B.M. Division on the date of 10.8.95.

On the date of 25.7.95 the Respondents filed a writ of habeas corpus in the High Court of P.M. B.M. Division on the date of 10.8.95.

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7 12

3. Admittedly, SCA/4515/85 was already withdrawn by the respondent before 3.10.1986. Since the main application filed by the petitioner in the High Court was withdrawn, the interim orders passed by the High Court automatically did not survive and therefore there was no justification to continue the interim relief. Accordingly, when such inconsistency is brought to our notice, such orders cannot be allowed to continue further. We accordingly vacate and quash the continuation of the interim order passed in our order dated 3.10.1986 in O.A./52/86. The application is accordingly allowed to the extent stated above. It is however clarified that in case the petitioner has filed any application for review of order dated 3.10.1986 it will be decided on merits in due course.

With this order, MA/511/88 stands disposed of.

Renu
(P.H.Trivedi)
Vice Chairman

Joshi
(P.M.Joshi)
Judicial Member

a.a.bhatt

M.A./708/88 in OA 5216 (8)

Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman
Hon'ble Mr. P.M. Joshi : Judicial Member

28/09/1988

Heard Mr. D.V. Mehta learned advocate for the petitioner. Mr.J.D.Ajmera states that he wants to file objection to the Miscellaneous application of review. One weeks' time is granted to file objection to the Miscellaneous application of review. The case be posted on 25-10-1988 for hearing of the review application.

Phyri

(P.H.Trivedi)
Vice Chairman

Jay
(P.M.Joshi)
Judicial Member

'A.Tripathi'

MA/708/88

in

OA/52/86

Coram : Hon'ble Mr. P.H. Trivedi

: Vice Chairman

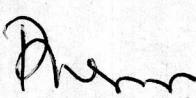
Hon'ble Mr. P.M. Joshi

: Judicial Member

25/10/1988

Neither applicant nor his advocate present.

Mr.J.D.Ajmera learned advocate for the respondent
present. The case is dismissed for default.


(P.H. Trivedi)
Vice Chairman


(P.M. Joshi)
Judicial Member

a.a.bhatt

MA/875/88

in

MA/708/88

in

OA/52/86

(10)

(10)

Coram : Hon'ble Mr. P.M. Joshi

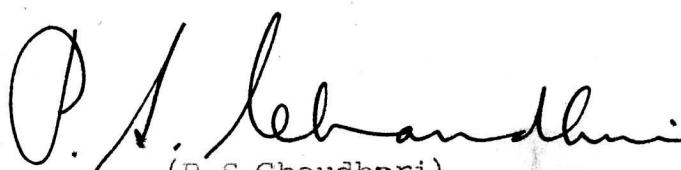
Judicial Member

Hon'ble Mr. P.S. Chaudhuri

Administrative
Member

17/4/1989

Mr.D.V.Mehta for Mr.B.P.Tanna the learned counsel for the petitioner present. Mr.J.D.Ajmera, the learned counsel for the respondent states that he has not received any instructions and the ~~Railway~~ respondents be served with the notices of the application. Issue notices to the respondents to show cause why the case be not restored as prayed for. The case be posted on 5/6/1989 for orders.


(P.S.Chaudhuri)

Administrative Member


(P.M.Joshi)

Judicial Member

a.a.bhatt

M.A./875/88

in

M.A./708/88

in

O.A./52/86

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CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Hon'ble Mr. P.M. Joshi .. Judicial Member

5/6/1989

Heard Mr. D.M. Mehta for Mr. B.P. Tanna and Mr. J.D. Ajmera for the petitioner and respondents respectively. M.A./875/88 is filed for restoration of M.A./708/88 in O.A./52/86. As the respondent has no objection, M.A./875/88 allowed. M.A./708/88 in O.A./52/86 be restored in file, and posted for final hearing on 28th June, 1989. With this order, M.A./875/88 stands disposed of.

P.H.Trivedi

(P H Trivedi)
Vice Chairman

J.M.J.

(P M Joshi)
Judicial Member

*Mogera

MA/708/88
in
OA/52/86

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Coram : Hon'ble Mr.P.H. Trivedi ... Vice Chairman
Hon'ble Mr.P.M. Joshi ... Judicial Member

4.10.1989

Heard Mr.D.V. Mehta, the learned advocate for the petitioner. He has admittedly filed this application after about two years. Respondent has filed his objections to the review. Mr.Mehta, learned advocate for the petitioner states that application for correction could not have been filed earlier. In fact, it is found from the application, the petitioner misled the court in to error if any. We therefore unable to persuade ourselves, that there is justification for the review petition. Petitioner ~~has~~ to seek to remedy through a fresh petition if it is possible. With this observation the petition is rejected.

Phew
(P.H. Trivedi)
Vice Chairman

Joshi
(P.M. Joshi)
Judicial Member