

M/s. Express Newspapers Ltd.

Vs

State of Madras

Civil Appeal No. 322(N) 1970

(A.D. Koshal, R.B. Misra JJ)

19.02.1981

JUDGMENT

KOSHAL, J. -

1. A preliminary objection has been raised by Mr. Rangam to the effect that the certificate granted by the court under sub-clauses(a) and (c) of Clause (1) of Article 133 of the Constitution of India, as it then stood, does not conform to legal requirements in as much as -

(a) it does not specify the substantial question of law which the High Court states requires determination; and

(b) no persons in support of the issuance of the certificate appears therein.

2. The preliminary objection is well-founded in view of the decision of this Court in Sohan Lal Naraindas v. Laxmidas Raghunath Gadit and in Sardar Bahadur S. Indra Singh Trust v. C. I. T., Bengal.

3. Faced with this situation Mr. Lalit wanted us to treat the appeal as one by special leave and prayed that such leave be granted now after condoning the delay. That would have been certainly a reasonable course to follow if it was made out that a substantial question of law relay requires determination. We have gone through the impugned judgment and find that no such question is involved at all. We, therefore refuse special leave, revoke the certificate granted by the High Court and dismiss the appeal but with no order as to costs.

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