

**SUPREME COURT OF INDIA**

Abdul Gani Bhat

Vs.

Chairman, Islamia Colge. G. Brd.

SLP(Civil) No.1995-1996 of 2006

(G.S.Singhvi and Asok Kumar Ganguly, JJ.,)

25.01.2011

**ORDER**

1. These applications have been filed by the petitioner with the following prayer:

"It is therefore prayed that the SLP 2995-96 of 2006 may be decided properly in light of the averments made herein and in light of the facts and averments made in the contempt petition 86-87 of 2009 and necessary clarifications and directions may graciously be passed."

2. In Special Leave Petition (Civil) Nos.1995-1996 of 2006, the petitioner had challenged order dated 21.11.2005 passed by the Division Bench of the Jammu and Kashmir High Court in LPA No. 200/2005. The same was disposed of by this Court on 24.3.2006 by recording the following order:

"Heard the petitioner, who is appearing in-person. It has been submitted that the petitioner wants to argue his case in person in LPA No.200 of 2005, which is pending in the High Court of Jammu and Kashmir at Srinagar. If such a prayer is made before the High Court, we have no doubt the same shall be considered and the petitioner shall be allowed to appear in- person. The special leave petition is accordingly disposed of."

3. In these I.As., the applicant has claimed that the aforesaid order was defective inasmuch as the LPA was not pending before the High Court. He has then averred that when the order passed by this Court was placed before the High Court through IA (C) LPWA No. 326/2006, the same was dismissed by the Division Bench of the High Court by making derogatory observations against him and a cost of Rs.5,000/- was imposed. Thereafter, he filed Contempt Petition Nos.86-87/2009 before this Court, which were dismissed on 22.1.2010 on the ground that even though various allegations had been levelled against the contemnor, no prayer was made against him.

4. We have heard Shri Abdul Gani Bhat, who appeared in person and carefully perused the record. In our opinion, order dated 24.3.2006 cannot be termed as defective because the same was passed in the presence of the petitioner. If no matter was pending before the High Court, the petitioner, who was present in person should have brought it to the notice of the bench which passed the order. In any case, after a time gap of almost 4 years, we do not find any valid ground much less justification to recall that order and decide the special leave petitions afresh. The applications are accordingly dismissed.