

SUPREME COURT OF INDIA

Mihir Ranjan Parida

Vs.

Menja Naik & Ors.

C.A.No.4080 of 2016

(Kurian Joseph and R.Banumathi,JJ.,)

18.04.2016

JUDGMENT

Kurian Joseph,J.,

SLP (Civil) No.8579 of 2016)

1. Leave granted.

2. The limited prayer made by the appellant is for expunction of certain adverse observations made by the High Court against the appellant who is the presiding Judge on the trial side. When the matter came up before this Court on 29th March, 2016, this Court issued notice on the following terms:

"Permission to file special leave petition is granted.

Issue notice.

Dasti, in addition, is permitted. Mr. Raju Ramachandran, learned senior counsel submits that he may be permitted to withdraw ground (D) of the petition. On request, the permission is granted. The limited prayer made by the learned senior counsel is only for expunction of the adverse observations made by the High Court against the petitioner. Since it is a matter of expunction, we deem it appropriate to issue notice. However, we make it clear that in case respondents have no objection with regard to the limited prayer for expunction of the adverse observations made by the High Court against the petitioner, they are free not to respond to the notice as well. Post on 18.04.2016."

3. It is seen that the notice has already been served on respondents but there is no appearance on their behalf.

4. Having heard the learned senior counsel appearing for the appellant, we are of the view that the adverse observations made against the appellant are wholly unwarranted. May be the Judge passed a wrong order; but that does not mean that even wrong order should be visited with such adverse remarks. All adverse remarks/observations against the appellant contained in the impugned order are hence expunged.

5. The appeal is allowed.