

INDIAN PETROCHEMICALS CORPN. LTD. AND ANR.

v.

SHRAMIK SENA AND ORS.

APRIL 8, 1999

[S.P. BHARUCHA, R.C. LAHOTI AND N. SANTOSH HEGDE, JJ.]

*Supreme Court—Practice and Procedure direction—Filing of Additional affidavit—In the said affidavit additional facts placed on record—Permissibility of—Held, no such affidavit could have been filed and taken on record without the express permission of the Court—Direction to registry to ensure that no affidavits are taken on record in pending appeals without permission of the Court.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1854 of 1998.

From the Judgment and Order dated 29.8.1997 of the High Court of Bombay in W.P. No. 2206/97.

Mr. T.R. Andhyarujina with M/s. H.S. Parihar, K.S. Parihar, S. Birla and M.M. Verma for Appellants.

M/s. G.K. Banerjee, R.S. Raymond, R.N. Karanjawala, Nandini Gore, Sandeep Mittal, Manik Karanjawala, Mr. K.K. Singhvi with M/s. S. Pakale, F. Rashid and A.K. Gupta for Respondents.

The Order of the Court was delivered by

Civil Appeal No. 1854 of 1998 by the employer and Civil Appeal No. 1855 of 1998 by the employees arise from the same judgment of the High Court. Reliance was placed, during the course of their hearing, on an additional affidavit dated 19th February, 1999, filed recently (22nd February, 1999) on behalf of the employees. There is no reply by the employer to the said affidavit.

There is no order of the Court that permits an additional affidavit to be filed. It is stated by the learned advocate-on-record for the employees that, as a matter of practice, such affidavits are filed and the Registry accepts them.

The said affidavit is an affidavit in which facts are pleaded, additional

- A to the facts placed before the High Court. No such affidavit could have been filed and taken on record without the express permission of the Court to file the affidavit and place additional material on record. The Registry is hereby directed to ensure that no affidavits are taken on record in pending appeals, especially if they set out facts, unless orders of the Court permit them to be filed. This order shall be treated as a practice direction to be complied with hereafter in all matters.
- B

Adjourned for four weeks to enable the employer to file a reply to the said affidavit. To be treated as part-heard.

T.N.A.

Appeal pending.