

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

Writ Appeal No.842 of 2016

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P.No.22106 of 2016 dated 29.08.2016 whereby the writ petitioner was directed to deposit Rs.72,402/- and, on such deposit, the said amount was directed to be credited to the Department which had purchased the flight tickets for the 4th respondent to come to the Court.

By the order dated 15.09.2016, we granted interim suspension of the order of the learned Single Judge on condition that the appellant-writ petitioner deposited Rs.72,402/- with the Registrar (Judicial) within one week from the date of the order failing which the interim order was to stand automatically vacated. The appellant deposited the said amount of Rs.72,402/- on 19.09.2016 with the Registrar (Judicial), and the said amount is still lying with the Registrar (Judicial) of this Court.

Sri Y.Nagi Reddy, learned counsel for the appellant, would submit that the interim order, directing appearance of the 4th respondent, ought to have been passed in W.P.No.22241 of 2016; and was passed by oversight in W.P.No.22106 of 2016.

In ***State of Maharashtra vs. Ramdas Shrinivas Nayak***¹ the Supreme Court held that public policy barred, and judicial decorum restrained, Courts from doubting the judicial record; the statements of Judges, recorded in their judgments, are bound to be accepted as to what transpired in Court; the statement of the Judges cannot be allowed to be contradicted by the statements at the Bar, or by affidavit and other evidence; if the Judges say in their judgment, that something was done, said or admitted before them, that has to be the last word on the subject;

¹ AIR 1982 SUPREME COURT 1249

the statements of fact as to what transpired at the hearing, recorded in the judgment of the Court, are conclusive of the facts so stated, and no one can contradict such statements by affidavit or other evidence; if a party thinks that the happenings in Court have been wrongly recorded in a judgment, it is incumbent upon the party, while the matter is still fresh in the mind of the Judge, to call the attention of the very Judge, who had made the record, to the fact that the statement made, with regard to his conduct, was a statement that had been made in error; this was the only way to have the record corrected; and, if no such step is taken, the matter must necessarily end there.

We see no reason, therefore, to interfere with the order under appeal. Suffice it if the appellant is granted liberty to file a petition seeking review of the order passed in W.P.No.22106 of 2016 dated 29.08.2016. If such a review petition is filed and numbered before 31.01.2017, the sum of Rs.72,402/- shall continue to lie in deposit with the Registrar (Judicial), and shall be subject to the outcome of the review petition. If the appellant does not seek review, as directed hereinabove, before 31.01.2017, the Registrar (Judicial) shall pay the said amount to the 4th respondent by way of a Demand Draft.

The Writ Appeal stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

26th December, 2016
JSU

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
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Writ Appeal No.842 of 2016

Date: 26.12.2016

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