

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CURATIVE PETITION (C) NOS.88-102 OF 2014

IN

REVIEW PETITION (C) NOS.41-55 OF 2014

IN

CIVIL APPEAL NO.10972 OF 2013

WITH

CURATIVE PETITION (C) NO.103/2014 IN R.P. (C)
NO.219/2014 IN C.A. NO.10972/ 2013

CURATIVE PETITION (C) NO.104/2014 IN R.P. (C)
NO.198/2014 IN C.A.NO.10972/ 2013

CURATIVE PETITION (C) NO.105/2014 IN R.P. (C)
NO.202/2014 IN C.A.NO.10972/ 2013

CURATIVE PETITION (C) NO.106/2014 IN R.P. (C)
NO.221/2014 IN C.A. NO.10972/ 2013

CURATIVE PETITION (C) NO.107/2014 IN R.P. (C)
NO.211/2014 IN C.A. NO.10972/ 2013

CURATIVE PETITION (C) NOS.108-119/2014 IN R.P. (C)
NOS.222-233/2014 IN C.A. NO.10972/ 2013

CURATIVE PETITION (C) D.26029/2014 IN R.P. (C) NOS.41-
55/2014 IN C.A. NO.10972/ 2013

NAZ FOUNDATION TRUST

PETITIONER(S)

VERSUS

SURESH KUMAR KOUSHAL & ORS

RESPONDENT(S)

O R D E R

We have heard learned counsel for the petitioners at some length who submit that several important issues including issues of considerable public interest fall for consideration in these Curative Petitions. They submit that these petitions could be admitted to a full-fledged hearing and the matter examined in all its dimensions.

Learned counsel for some of the respondents on the contrary point out that the scope for interference in a Curative Petition is limited to what is laid down by this Court in the case of *Rupa Ashok Hurra vs. Ashok Hurra*, 2002 (4) SCC 388 which tests are not satisfied in the cases at hand. There is, therefore, no room for interference by this Court with the view already taken. They pray for dismissal of these Curative Petitions.

We do not consider it necessary at this stage to delve deep into the merits of the submissions made at the Bar. All that we need say is that since the issues sought to be raised are of considerable importance and public interest and since some of the issues have constitutional dimensions including whether the Curative Petitions qualify for consideration of this Court in the light of the Judgment in *Rupa Ashok Hurra's case* (Supra),

it will be more appropriate if these petitions are placed before a Constitution Bench comprising five Hon'ble Judges of this Court.

We order accordingly. The papers shall be placed before Hon'ble the Chief Justice of India for constituting an appropriate Bench.

.....CJI.
(T.S.THAKUR)

.....J.
(ANIL R. DAVE)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI,
FEBRUARY 02, 2016

ITEM NO.302

COURT NO.1

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CURATIVE PET(C) No. 88-102/2014 In R.P.(C) No. 41-55/2014 In C.A. No. 10972, 10974, 10986, 10981, 10983, 10984, 10975, 10973, 10985, 10982, 10976, 10980, 10977, 10978 & 10979/2013

NAZ FOUNDATION TRUST

Petitioner(s)

VERSUS

SURESH KUMAR KOUSHAL & ORS

Respondent(s)

WITH

CURATIVE PET(C) No. 103/2014 In R.P.(C) No. 219/2014 In C.A. No. 10972/2013
(With Office Report)

CURATIVE PET(C) No. 104/2014 In R.P.(C) No. 198/2014 In C.A. No. 10972/2013
(With appln.(s) for permission and appln.(s) for stay and appln.(s) for oral hearing and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

CURATIVE PET(C) No. 105/2014 In R.P.(C) No. 202/2014 In C.A. No. 10972/2013
(With Office Report)

CURATIVE PET(C) No. 106/2014 In R.P.(C) No. 221/2014 In C.A. No. 10972/2013
(With appln.(s) for oral hearing and appln.(s) for stay and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for permission to file synopsis and list of dates and Office Report)

CURATIVE PET(C) No.107/2014 In R.P.(C) No. 211/2014 In C.A. No. 10972/2013
(With appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

CURATIVE PET(C) No.108-119/2014 In R.P.(C) No. 222-233/2014 In C.A. No. 10972/2013
(With appln.(s) for oral hearing and appln.(s) for stay and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for permission to file synopsis and list of dates and appln.(s) for permission to file additional documents and Office Report)

CURATIVE PET(C) D 26029/2014 In R.P.(C) No. 41-55/2014 In C.A. No. 10972/2013

(With appln.(s) for permission and Office Report)

Date : 02/02/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s)

Mr. K.K. Venugopal, Sr. Adv.
Dr. Manaka Guruswamy, Adv.
Ms. Aundhati Katju, Adv.
(In CP No.104/14) Mr. Mahesh Agarwal, Adv.
Ms. Neeha Nagpal, Adv.
Mr. E.C. Agrawala, Adv.
Mr. Danish Sheikh, Adv.
Mr. Himanshu Agarwal, Adv.
Mr. Ali Chaudhary, Adv.

Mr. Colin Gonsalves, Sr. Adv.
Mr. Kranti L. Chinappa, Adv.
(In CP D.No.26029 Ms. Divya Jyoti Jaipurian, Adv.
Of 2014) Ms. Mangla Verma, Adv.
Mr. Satya Mitra, Adv.

Ms. Pinky Anand, ASG
(For UoI) Mr. Karan Seth, Adv.
Mr. Rishabh Jain, Adv.
Mr. Sanchit Kumar, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Saurav Kirpal, Adv.
Mr. Nikhil Nayyar, Adv.
Mr. Jawahar Raja, Adv.
Mr. Dhananjay Baijal, Adv.
Mr. N. Sai Vinod, Adv.

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Mr. Arvind Narrain, Adv.
Mr. Pukhrambam Ramesh Kumar, Adv.
Mr. Sumit Kumar Vats, Adv.

Ms. Meenakshi Arora, Sr. Adv.
(In CP No.107 Ms. Mala Narayan, Adv.
Of 2014) Mr. Rahul Narayan, Adv.
Mr. Mohit Singh, Adv.

Mr. Anand Grover, Sr. Adv.
Mr. Chanchal Kr. Ganguli, Adv.
Mr. Mihir Samson, Adv.

Ms. Amritananda Chakravorty, Adv.

Ms. Tripti Tandon, Adv.

Mr. Chander Uday Singh, Sr.Adv.

Mr. Gautam Narayan, Adv.

Ms. Sahana Manjesh, Adv.

Mr. Gautam Bhatiq, Adv.

Mr. Tishampati Sen, Adv.

Mr. Mohit Kumar Shah, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The curative petitions are referred to Hon'ble the Chief Justice of India for constituting a Constitution Bench comprising five Hon'ble Judges of this Court in terms of the signed order.

(Ashok Raj Singh)

Court Master

(Signed Order is placed in the file)

(Saroj Saini)

Court Master