

HIGH COURT OF MADHYA PRADESH : JABALPUR
DIVISION BENCH - SPL (Time 10:30 AM)

Daily Cause List dated : 18-07-2019

BEFORE: HON'BLE SHRI JUSTICE RAJEEV KUMAR DUBEY & HON'BLE SHRI JUSTICE VISHAL DHAGAT

Court Room No.: 17

Note:- CASES FOR FINAL HEARING SHALL BE TAKEN UP BY ALL THE BENCHES IMMEDIATELY AFTER COMPLETION OF MOTION HEARING EVERYDAY. LAWYERS ARE REQUESTED TO GIVE LIST OF BOOKS TO READER IN ADVANCE.

NOTE :

LARGER BENCH

NOTE : The facility of PoS (Point of Sale) machine for making online court fee is available at Presentation Centre of High Court of M.P., Jabalpur.

MOTION HEARING

[DIRECTION MATTERS]

SN	Case No	Petitioner / Respondent	Petitioner/Respondent Advocate
1	MCRC 00982/2019	ANIL DAS BAIRAGI Versus SMT. NIDHI JAIN	ANKIT SAXENA, VIJAY KUMAR SHAHANI, ARPIT SAXENA, ATIN VISHWAKARMA, SHANTANU AYACHI, ADARSH HEERA, DEEPESH MAHAWAR , NILESH KOTECHA[R-1], AKSHAY NAMDEO[R-1], AMITABH BHARTI[R-1][R-2][R-2][R-2]
<p>CrPC - S. 482, Negotiable Instruments Act - S. 138, CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - SECTION 482. Relief - TO QUASH THE PROCEEDINGS {Fixed Date/SPC} FOR RECONSIDERATION ON THE FOLLOWING QUESTIONS: (1) WHETHER THE SINGLE BENCH JUDGMENT OF THIS COURT IN THE CASE OF KISHORE GOYAL(SUPRA)LAID DOWN THE CORRECT LAW ON THE POINT OF CAPABILITY OR ELIGIBILITY OF THE LEGAL REPRESENTATIVES TO FILE COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT? (2) WHETHER ANY LEGAL REPRESENTATIVE OR ALL LEGAL REPRESENTATIVES OF THE DECEASED PAYEE CAN FILE A COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT WITHOUT HAVING SUCCESSION CERTIFICATE,LETTERS OF ADMINISTRATION OR PROBATE UNDER THE INDIAN SUCCESSION ACT? IF NOT, THEN, (3) WHAT WOULD BE THE AFFECT OF DELAY IN OBTAINING THE AFORESAID AUTHORITIES, WHICH WOULD FRUSTRATE THE CAUSE OF ACTION TO FILE COMPLAINT UNDER SECTION 138 OF THE ACT ON ACCOUNT OF NOT TAKING STEPS WITHIN TIME, AS REQUIRED UNDER PROVISIO(A) AND (B)OF SECTION 138 OF THE ACT AS THE AFORESAID DELAY CANNOT BE CONDONED UNDER SECTION 142(1)(B) OF THE ACT? (KIND ATTN. IS INVITED ON ORDER DTD.18.6.2019 OF HON.THE ACTING CHIEF JUSTICE REGARDING LISTING THE CASE).</p>			
1.1	Connected MCRC 00987/2019	ANIL DAS BAIRAGI Versus SMT. NIDHI JAIN	ANKIT SAXENA, VIJAY KUMAR SHAHANI, ADARSH HEERA, SHANTANU AYACHI, DEEPESH MAHAWAR, ATIN VISHWAKARMA, ARPIT SAXENA, POONAM SHAHANI , AMITABH BHARTI[R-1], NILESH KOTECHA[R-1], AKSHAY NAMDEO[R-1][R-2][R-2][R-2][R-3][R-3]
<p>CrPC - S. 482, Negotiable Instruments Act - S. 138, CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - SECTION 482. Relief - TO SET ASIDE THE ORDER DATED 24/04/2018 {Fixed Date/SPC} FOR RECONSIDERATION ON THE FOLLOWING QUESTIONS: (1) WHETHER THE SINGLE BENCH JUDGMENT OF THIS COURT IN THE CASE OF KISHORE GOYAL(SUPRA)LAID DOWN THE CORRECT LAW ON THE POINT OF CAPABILITY OR ELIGIBILITY OF THE LEGAL REPRESENTATIVES TO FILE COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT? (2) WHETHER ANY LEGAL REPRESENTATIVE OR ALL LEGAL REPRESENTATIVES OF THE DECEASED PAYEE CAN FILE A COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT WITHOUT HAVING SUCCESSION CERTIFICATE,LETTERS OF ADMINISTRATION OR PROBATE UNDER THE INDIAN SUCCESSION ACT? IF NOT, THEN, (3) WHAT WOULD BE THE AFFECT OF DELAY IN OBTAINING THE AFORESAID AUTHORITIES, WHICH WOULD FRUSTRATE THE CAUSE OF ACTION TO FILE COMPLAINT UNDER SECTION 138 OF THE ACT ON ACCOUNT OF NOT TAKING STEPS WITHIN TIME, AS REQUIRED UNDER PROVISIO(A) AND (B)OF SECTION 138 OF THE ACT AS THE AFORESAID DELAY CANNOT BE CONDONED UNDER SECTION 142(1)(B) OF THE ACT? (KIND ATTN. IS INVITED ON ORDER DTD.18.6.2019 OF HON.THE ACTING CHIEF JUSTICE REGARDING LISTING THE CASE).</p>			
1.2	Connected MCRC 00991/2019	ANIL DAS BAIRAGI Versus SMT. NIDHI JAIN	ANKIT SAXENA, VIJAY KUMAR SHAHANI, ADARSH HEERA, SHANTANU AYACHI, DEEPESH MAHAWAR, ATIN VISHWAKARMA, ARPIT SAXENA, POONAM SHAHANI , AMITABH BHARTI[R-1], AKSHAY NAMDEO[R-1], NILESH KOTECHA[R-1][R-2][R-2][R-2][R-3][R-3]

Daily Cause List dated : 18-07-2019

BEFORE: HON'BLE SHRI JUSTICE RAJEEV KUMAR DUBEY & HON'BLE SHRI JUSTICE VISHAL DHAGAT

CrPC - S. 482, Negotiable Instruments Act - S. 138,
CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - SECTION 482.
Relief - TO SET ASIDE THE IMPUGNED ORDER AND PROCEEDINGS

{Fixed Date/SPC} FOR RECONSIDERATION ON THE FOLLOWING QUESTIONS: (1) WHETHER THE SINGLE BENCH JUDGMENT OF THIS COURT IN THE CASE OF KISHORE GOYAL(SUPRA)LAID DOWN THE CORRECT LAW ON THE POINT OF CAPABILITY OR ELIGIBILITY OF THE LEGAL REPRESENTATIVES TO FILE COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT? (2) WHETHER ANY LEGAL REPRESENTATIVE OR ALL LEGAL REPRESENTATIVES OF THE DECEASED PAYEE CAN FILE A COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT WITHOUT HAVING SUCCESSION CERTIFICATE,LETTERS OF ADMINISTRATION OR PROBATE UNDER THE INDIAN SUCCESSION ACT? IF NOT, THEN, (3) WHAT WOULD BE THE AFFECT OF DELAY IN OBTAINING THE AFORESAID AUTHORITIES, WHICH WOULD FRUSTRATE THE CAUSE OF ACTION TO FILE COMPLAINT UNDER SECTION 138 OF THE ACT ON ACCOUNT OF NOT TAKING STEPS WITHIN TIME, AS REQUIRED UNDER PROVISIO(A) AND (B)OF SECTION 138 OF THE ACT AS THE ACT AS THE AFORESAID DELAY CANNOT BE CONDONED UNDER SECTION 142(1)(B) OF THE ACT? (KIND ATTN. IS INVITED ON ORDER DTD.18.6.2019 OF HON.THE ACTING CHIEF JUSTICE REGARDING LISTING THE CASE).

1.3
Connected
MCRC
00994/2019

ANIL DAS BAIRAGI

ANKIT SAXENA, VIJAY KUMAR SHAHANI, POONAM SHAHANI,
ADARSH HEERA, SHANTANU AYACHI, DEEPESH MAHAWAR,
ATIN VISHWAKARMA, ARPIT SAXENA

Versus

SMT. NIDHI JAIN

, AMITABH BHARTI[R-1], NILESH KOTECHA[R-1], AKSHAY
NAMDEO[R-1][R-2][R-2][R-2][R-3][R-3]

CrPC - S. 482, Negotiable Instruments Act - S. 138,
CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - SECTION 482.
Relief - TO SET ASIDE THE ORDER DATED 24/04/2018

{Fixed Date/SPC} FOR RECONSIDERATION ON THE FOLLOWING QUESTIONS: (1) WHETHER THE SINGLE BENCH JUDGMENT OF THIS COURT IN THE CASE OF KISHORE GOYAL(SUPRA)LAID DOWN THE CORRECT LAW ON THE POINT OF CAPABILITY OR ELIGIBILITY OF THE LEGAL REPRESENTATIVES TO FILE COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT? (2) WHETHER ANY LEGAL REPRESENTATIVE OR ALL LEGAL REPRESENTATIVES OF THE DECEASED PAYEE CAN FILE A COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT WITHOUT HAVING SUCCESSION CERTIFICATE,LETTERS OF ADMINISTRATION OR PROBATE UNDER THE INDIAN SUCCESSION ACT? IF NOT, THEN, (3) WHAT WOULD BE THE AFFECT OF DELAY IN OBTAINING THE AFORESAID AUTHORITIES, WHICH WOULD FRUSTRATE THE CAUSE OF ACTION TO FILE COMPLAINT UNDER SECTION 138 OF THE ACT ON ACCOUNT OF NOT TAKING STEPS WITHIN TIME, AS REQUIRED UNDER PROVISIO(A) AND (B)OF SECTION 138 OF THE ACT AS THE AFORESAID DELAY CANNOT BE CONDONED UNDER SECTION 142(1)(B) OF THE ACT? (KIND ATTN. IS INVITED ON ORDER DTD.18.6.2019 OF HON.THE ACTING CHIEF JUSTICE REGARDING LISTING THE CASE).

1.4
Connected
MCRC
01000/2019

ANIL DAS BAIRAGI

ANKIT SAXENA, VIJAY KUMAR SHAHANI, ADARSH HEERA,
RAJESH PARMAR, DEEPESH MAHAWAR, ATIN VISHWAKARMA,
ARPIT SAXENA, POONAM SHAHANI

Versus

SMT. NIDHI JAIN

, AMITABH BHARTI[R-1], NILESH KOTECHA[R-1], AKSHAY
NAMDEO[R-1][R-2][R-2][R-2][R-3][R-3]

CrPC - S. 482, Negotiable Instruments Act - S. 138,
CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - SECTION 482.
Relief - TO SET ASIDE THE ORDER DATED 24/04/2018

{Fixed Date/SPC} FOR RECONSIDERATION ON THE FOLLOWING QUESTIONS: (1) WHETHER THE SINGLE BENCH JUDGMENT OF THIS COURT IN THE CASE OF KISHORE GOYAL(SUPRA)LAID DOWN THE CORRECT LAW ON THE POINT OF CAPABILITY OR ELIGIBILITY OF THE LEGAL REPRESENTATIVES TO FILE COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT? (2) WHETHER ANY LEGAL REPRESENTATIVE OR ALL LEGAL REPRESENTATIVES OF THE DECEASED PAYEE CAN FILE A COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT WITHOUT HAVING SUCCESSION CERTIFICATE,LETTERS OF ADMINISTRATION OR PROBATE UNDER THE INDIAN SUCCESSION ACT? IF NOT, THEN, (3) WHAT WOULD BE THE AFFECT OF DELAY IN OBTAINING THE AFORESAID AUTHORITIES, WHICH WOULD FRUSTRATE THE CAUSE OF ACTION TO FILE COMPLAINT UNDER SECTION 138 OF THE ACT ON ACCOUNT OF NOT TAKING STEPS WITHIN TIME, AS REQUIRED UNDER PROVISIO(A) AND (B)OF SECTION 138 OF THE ACT AS THE AFORESAID DELAY CANNOT BE CONDONED UNDER SECTION 142(1)(B) OF THE ACT? (KIND ATTN. IS INVITED ON ORDER DTD.18.6.2019 OF HON.THE ACTING CHIEF JUSTICE REGARDING LISTING THE CASE).

1.5
Connected
MCRC
01026/2019

ANIL DAS BAIRAGI

ANKIT SAXENA, VIJAY KUMAR SHAHANI, ADARSH HEERA,
SHANTANU AYACHI, DEEPESH MAHAWAR, ATIN
VISHWAKARMA, ARPIT SAXENA

Versus

SMT. NIDHI JAIN

, AMITABH BHARTI[R-1], NILESH KOTECHA[R-1], AKSHAY
NAMDEO[R-1][R-2][R-2][R-2][R-3][R-3]

CrPC - S. 482, Negotiable Instruments Act - S. 138,
CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - SECTION 482.
Relief - PROCEEDINGS PENDING

{Fixed Date/SPC} FOR RECONSIDERATION ON THE FOLLOWING QUESTIONS: (1) WHETHER THE SINGLE BENCH JUDGMENT OF THIS COURT IN THE CASE OF KISHORE GOYAL(SUPRA)LAID DOWN THE

Daily Cause List dated : 18-07-2019

BEFORE: HON'BLE SHRI JUSTICE RAJEEV KUMAR DUBEY & HON'BLE SHRI JUSTICE VISHAL DHAGAT

CORRECT LAW ON THE POINT OF CAPABILITY OR ELIGIBILITY OF THE LEGAL REPRESENTATIVES TO FILE COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT? (2) WHETHER ANY LEGAL REPRESENTATIVE OR ALL LEGAL REPRESENTATIVES OF THE DECEASED PAYEE CAN FILE A COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT WITHOUT HAVING SUCCESSION CERTIFICATE, LETTERS OF ADMINISTRATION OR PROBATE UNDER THE INDIAN SUCCESSION ACT? IF NOT, THEN, (3) WHAT WOULD BE THE AFFECT OF DELAY IN OBTAINING THE AFORESAID AUTHORITIES, WHICH WOULD FRUSTRATE THE CAUSE OF ACTION TO FILE COMPLAINT UNDER SECTION 138 OF THE ACT ON ACCOUNT OF NOT TAKING STEPS WITHIN TIME, AS REQUIRED UNDER PROVISIO(A) AND (B) OF SECTION 138 OF THE ACT AS THE ACT AS THE AFORESAID DELAY CANNOT BE CONDONED UNDER SECTION 142(1)(B) OF THE ACT? (KIND ATTN. IS INVITED ON ORDER DTD.18.6.2019 OF HON.THE ACTING CHIEF JUSTICE REGARDING LISTING THE CASE).

1.6 **Connected**
MCRC
01028/2019

ANIL DAS BAIRAGI

ANKIT SAXENA, VIJAY KUMAR SHAHANI, ADARSH HEERA,
SHANTANU AYACHI, DEEPESH MAHAWAR, ATIN
VISHWAKARMA, ARPIT SAXENA, POONAM SHAHNI

Versus

SMT. NIDHI JAIN

, AMITABH BHARTI[R-1], NILESH KOTECHEA[R-1], AKSHAY
NAMDEO[R-1][R-2][R-2][R-2][R-3][R-3]

CrPC - S. 482, Negotiable Instruments Act - S. 138,

CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - SECTION 482.

Relief - TO SET ASIDE THE ORDER DATED 24/04/2018

{Fixed Date/SPC} FOR RECONSIDERATION ON THE FOLLOWING QUESTIONS: (1) WHETHER THE SINGLE BENCH JUDGMENT OF THIS COURT IN THE CASE OF KISHORE GOYAL(SUPRA) LAID DOWN THE CORRECT LAW ON THE POINT OF CAPABILITY OR ELIGIBILITY OF THE LEGAL REPRESENTATIVES TO FILE COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT? (2) WHETHER ANY LEGAL REPRESENTATIVE OR ALL LEGAL REPRESENTATIVES OF THE DECEASED PAYEE CAN FILE A COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT WITHOUT HAVING SUCCESSION CERTIFICATE, LETTERS OF ADMINISTRATION OR PROBATE UNDER THE INDIAN SUCCESSION ACT? IF NOT, THEN, (3) WHAT WOULD BE THE AFFECT OF DELAY IN OBTAINING THE AFORESAID AUTHORITIES, WHICH WOULD FRUSTRATE THE CAUSE OF ACTION TO FILE COMPLAINT UNDER SECTION 138 OF THE ACT ON ACCOUNT OF NOT TAKING STEPS WITHIN TIME, AS REQUIRED UNDER PROVISIO(A) AND (B) OF SECTION 138 OF THE ACT AS THE ACT AS THE AFORESAID DELAY CANNOT BE CONDONED UNDER SECTION 142(1)(B) OF THE ACT? (KIND ATTN. IS INVITED ON ORDER DTD.18.6.2019 OF HON.THE ACTING CHIEF JUSTICE REGARDING LISTING THE CASE).

1.7 **Connected**
MCRC
01031/2019

ANIL DAS BAIRAGI

ANKIT SAXENA, VIJAY KUMAR SHAHANI, ADARSH HEERA,
SHANTANU AYACHI, DEEPESH MAHAWAR, ATIN
VISHWAKARMA, ARPIT SAXENA

Versus

SMT. NIDHI JAIN

, AMITABH BHARTI[R-1], NILESH KOTECHEA[R-1], ABDUL
QUMAR AHMAD KHAN[R-1][R-2][R-2][R-2][R-3][R-3]

CrPC - S. 482, Negotiable Instruments Act - S. 138,

CRIMINAL LAW & PROCEDURE-12100 - Code of Criminal Procedure, 1973-12102 - SECTION 482.

Relief - QUASH THE PROCEEDINGS

{Fixed Date/SPC} FOR RECONSIDERATION ON THE FOLLOWING QUESTIONS: (1) WHETHER THE SINGLE BENCH JUDGMENT OF THIS COURT IN THE CASE OF KISHORE GOYAL(SUPRA) LAID DOWN THE CORRECT LAW ON THE POINT OF CAPABILITY OR ELIGIBILITY OF THE LEGAL REPRESENTATIVES TO FILE COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT? (2) WHETHER ANY LEGAL REPRESENTATIVE OR ALL LEGAL REPRESENTATIVES OF THE DECEASED PAYEE CAN FILE A COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE ACT WITHOUT HAVING SUCCESSION CERTIFICATE, LETTERS OF ADMINISTRATION OR PROBATE UNDER THE INDIAN SUCCESSION ACT? IF NOT, THEN, (3) WHAT WOULD BE THE AFFECT OF DELAY IN OBTAINING THE AFORESAID AUTHORITIES, WHICH WOULD FRUSTRATE THE CAUSE OF ACTION TO FILE COMPLAINT UNDER SECTION 138 OF THE ACT ON ACCOUNT OF NOT TAKING STEPS WITHIN TIME, AS REQUIRED UNDER PROVISIO(A) AND (B) OF SECTION 138 OF THE ACT AS THE ACT AS THE AFORESAID DELAY CANNOT BE CONDONED UNDER SECTION 142(1)(B) OF THE ACT? (KIND ATTN. IS INVITED ON ORDER DTD.18.6.2019 OF HON.THE ACTING CHIEF JUSTICE REGARDING LISTING THE CASE).

TOTAL CASES : 8 (with connected matters)

PR (J) / R (J-I) / R(J-II)