

# **Banda Development Authority Through ... vs Moti Lal Agarwal on 15 September, 2022**

**Bench: Ajay Rastogi, B.V. Nagarathna**

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

IA NOS.115360/2022 AND 115363/2022  
AND  
I.A. NO.3/2014  
IN  
CIVIL APPEAL NO.3604 OF 2011

BANDA DEVELOPMENT AUTHORITY & ANR.

VS.

MOTI LAL AGARWAL & ORS.

...APPELLANT(S)

...RESPONDENT(S)

ORDER

IA Nos.115360/2022 and 115363/2022 Delay condoned, abatement is set aside and application for substitution to bring on record the legal heirs of the deceased respondent No.1 is allowed.

The present application has been filed for initiating proceedings under Section 340 of the Criminal Procedure Code. A detailed judgment dated 26th April, 2011 was respective parties.

According to the applicant, false statements were made by the respondents which has been recorded by this Court in the judgment dated 26th April, 2011 and earlier a review application was filed but that has been dismissed.

After we have heard learned counsel for the parties, we see no reason to proceed with this application any further. Consequently, the application is dismissed.

Learned counsel for the applicant wants liberty to file fresh application.

This is for the applicant to take a decision, if law permits to him.

.....J. [AJAY RASTOGI] .....J. [B.V.NAGARATHNA] New Delhi;

September 15, 2022.

ITEM NO.1

COURT NO.9

SECTION III-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3604/2011

BANDA DEVELOPMENT AUTHORITY & ANR.

Appellant(s)

VERSUS

MOTI LAL AGARWAL & ORS.

Respondent(s)

(IA No. 6/2017 - EXEMPTION FROM FILING O.T. IA No. 5/2017 - EXEMPTION FROM FILING O.T. IA No. 3/2014 - INITIATING CRIMINAL PROCEEDINGS U/S 340 OF CRPC IA No.115360/2022 - FOR BRINING ON RECORD THE LEGAL HEIRS OF DECEASED RESPONDENT NO.1 IA No.115363/2022 - CONDONATION OF DELAY) Date : 15-09-2022 This matter was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI HON'BLE MRS. JUSTICE B.V. NAGARATHNA For Appellant(s) Ms. Reena Singh,Adv.

Dr.(Mrs.) Vipin Gupta, AOR For Respondent(s) Mr. B.P.Singh Dhakray,Adv.

Mr. Shakti Singh Dhakray,Adv.

Mr. Kumar Dushyant Singh, AOR UPON hearing the counsel the Court made the following O R D E R Delay condoned, abatement is set aside and application for substitution to bring on record the legal heirs of the deceased respondent No.1 is allowed and IA No.3 of 2014 is dismissed in terms of the signed order.

(ANITA MALHOTRA)  
AR-CUM-PS

(MONIKA DEY)  
BRANCH OFFICER

(Signed order is placed on the file.)