

IT-60

ORDER OF THE SUPREME COURT OF INDIA OF 12 SEPTEMBER 2014

ITEM NO.49

COURT NO.1

SECTION XIA

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

I.A. No. 6 of 2014 in Petition(s) for Special Leave to Appeal (C)
No(s). 20370/2012

(Arising out of impugned final judgment and order dated 29/05/2012
in WPC No. 4542/2012 passed by the High Court Of Kerala At
Ernakulam)

MASSIMILANO LATORRE AND ORS.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(with appln. (s) for directions and office report for direction)

Date : 12/09/2014 This IA was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Soli Sorabjee, Sr. Adv.
Mr. K.T.S. Tulsi, Sr. Adv.
Mr. Suhail Dutt, Sr. Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Diljeet Titus, Adv.
Mr. Ninad Laud, Adv.
Mr. Ujjwal Sharma, Adv.

For Respondent(s)
UOI

Mr. P.S. Narsimha, ASG
Mr. S. Pota Raju, Adv.
Mr. S.A. Haseeb, Adv.for
Mr. B.K. Prasad, Adv.

State

Mr. Ramesh Babu M.R., Adv.
Mr. V. Shyamohan, Adv.

Signature Not Verified

Digital Signature by
Parthiv K. K. for
Date: 20/09/17
16:32:16 SAST
Reason: L
Applment

Mr. Deepak Prakash, Adv.
Ms. Yogamaya M.G., Adv.
Mr. Subhash Chandran, Adv.
Ms. Usha Nandini V., Adv.

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

I.A. NOS. OF 2014 FOR IMPLEADMENT AND DIRECTION
BY APPLICANT -FREDDY.

Taken on record.

Mr. Deepak Prakash, learned counsel for the applicant submits that applicant is not desirous of pressing the interlocutory applications.

Interlocutory applications for impleadment and direction are, accordingly, dismissed as not pressed.

I.A. NO. 6 OF 2014 IN S.L.P. (C) No. 20370 of 2012:

We have heard Mr. Soli Sorabjee, learned senior counsel for the applicant (first petitioner) -Chief Master Sargeant Massimilano Latorre (hereinafter to be referred to as "the applicant") and Mr. P. Narsimha, learned Additional Solicitor General for the Union of India on the application made by the applicant.

2. The principal prayer made in the application is for relaxing condition Nos. 1 to 4 of the order dated 18.1.2013 passed by this Court and to permit the applicant to travel to Italy for

treatment, recovery and rehabilitation for a period of four months. The other prayers in the application are incidental to the above prayer.

3. It is stated in the application that the applicant has suffered brain stroke and requires continued management, treatment, rehabilitation and therapy. On humanitarian ground, therefore, it is submitted that the applicant may be permitted to go to his home country Italy for about four months or so.

4. In support of the application, medical documents have been placed on record.

5. In order to assure the Court that the applicant will return to India on permission being granted to the applicant to go to his home country for medical treatment for some, an affidavit of undertaking has been filed by Mr. Daniele Mancini, Ambassador of Italy. The undertaking is given on behalf of Republic of Italy. The relevant part of undertaking reads as under:

2. That now by this affidavit, the Republic of Italy through the Deponent undertakes to this Hon'ble Court as under:

a) That the Republic of

Italy undertakes that the applicant will return to India within the time permitted by this Hon'ble Court.

b) The Republic of Italy undertakes to ensure that the applicant does not commit breach of any of the conditions imposed on the applicant by this Hon'ble Court.

6. The above undertaking is accepted and taken on record.

7. Mr. P.S. Narsimha, learned Additional Solicitor General submits that Government of India in principle has no objection if the prayer made in the application is granted.

8. Having considered all relevant aspects, we are of the view that the applicant may be permitted to travel to Italy for his treatment, rehabilitation and continued management for a period of four months from the date of his travel from New Delhi to Italy.

9. For the above period, the condition Nos. 1 to 4 imposed in the order dated 18.1.2013 shall remain waived.

10. Since Government of India has no objection in principle for the reliefs sought for by the

applicant, it is expected of the Government of India to facilitate the international passage of the applicant from New Delhi to Italy and his travel back to New Delhi in all respects.

11. The above order shall come into operation only if the applicant submits an unequivocal and unambiguous undertaking of his return to India in time in compliance of this order.

12. I.A No. 6 of 2014 stands disposed of accordingly.

(PARDEEP KUMAR)
AR-cum-PS

(RENU DIWAN)
COURT MASTER