

M.A.No.647/2017 in SLP (C) No(s).688/2012

(Arising out of impugned final judgment and order dated 20-09-2011 passed by the High Court of Judicature at Patna in First Appeal No.637 of 1985)

SAMPATI DEVI AND ORS.

Petitioner(s)

VERSUS

PHULPATI DEVI AND ORS.

Respondent(s)

(FOR ADMISSION and IA No.77333/2017-CLARIFICATION/DIRECTION)

Date : 28-08-2017 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Mr.Manan Kr. Mishra, Sr.Adv.
Mr.Akhilesh Kr. Pandey, Adv.
Ms.Anjul Dwivedi, Adv.

For Respondent(s)

Mr.K.N. Rai, AOR

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

This is an application for clarification.

Though many an apprehension has been expressed by Mr.Manan Kumar Mishra, learned senior counsel appearing for the applicant, we are only inclined to say that when the High Court has itself stated that the appeal was not maintainable the doctrine of merger would not apply.

This observation is made in addition to what have been stated on 16th March, 2015.

IA No.77333 of 2017 is accordingly disposed of.

(Ashok Raj Singh)
Court Master(H.S.Parasher)
Assistant Registrar