

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

Petition(s) for Special Leave to Appeal (C) No(s).12728-12729/2017

(Arising out of impugned final judgment and order dated 18-12-2013 in WA No. 16504/1996 13-02-2017 in RA No. 228704/2014 passed by the High Court Of Judicature At Allahabad)

PUNJAB NATIONAL BANK & ORS.

Petitioner(s)

VERSUS

L.K. JAIN

Respondent(s)

(IA No. 88398/2017 - EXEMPTION FROM FILING O.T.  
IA No. 107184/2017 - VACATING STAY)

Date : 18-04-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Dhruv Mehta, Sr. Adv.  
Mr. Rajesh Kumar Gautam, AOR  
Mr. Anant Gautam, Adv.  
Mr. kartik Jindal, Adv.  
Mr. Sumit Sharma, Adv.  
Ms. Anani Achumi, Adv.  
Ms. Madhumita Bagchi, Adv.  
Mr. Dinesh Sharma, Adv.  
M/S. Mitter & Mitter Co., AOR

For Respondent(s) Mr. Gopal Sankaranarayanan, Sr. Adv.  
Mr. Nikhil Jain, AOR  
Ms. Divya Jain, Adv.  
Ms. Aditi Gupta, Adv.

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

After having heard, Mr. Dhruv Mehta, learned senior counsel for the petitioner-Bank and Mr. Gopal Sankaranarayanan learned senior counsel for the respondent, we are of the view that the very maintainability of the special leave petitions, is questionable. This is for the reason that as against the original

order of the High Court passed in the writ petition, the petitioner-Bank came up with special leave petitions. The special leave petitions were dismissed with liberty to the petitioner-Bank to file a review. The order passed by this Court in the said special leave petition(s) reads as follows:

*"The learned counsel for petitioners states that the High Court has taken into consideration facts which are not drawn out from the record of this case, and therefore, the High Court had committed an error apparent on the face of the record.*

*If that be so, it is open to the petitioners to approach the High Court by filing review petition. The special leave petition is dismissed. Liberty is given to the petitioners to file review petition before the High Court, if so advised."*

As per the liberty granted by this Court, the petitioner-Bank filed a review before the High Court but the same has been dismissed. After the dismissal of the review petition, the petitioner has come up with the present special leave petitions challenging both the original order and the order in review. Such a second attempt is not maintainable, as per the law laid down by this Court.

Therefore the Special Leave Petitions are dismissed without going into the merits of the case.

Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)  
COURT MASTER (SH)

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)