

ITEM NO.46

COURT NO.8

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No. 1289/2020

(Arising out of impugned final judgment and order dated 18-10-2019 in LPA No. 1467/2018 in Civil Writ Jurisdiction Case No. 19517/2013 passed by the High Court Of Judicature At Patna)

AWADH BIHARI LAL

Petitioner(s)

VERSUS

VIJAYANAND PURI &amp; ORS.

Respondent(s)

(IA No. 43345/2020 - APPLICATION FOR TRANSPOSITION  
IA No. 45869/2020 - EXEMPTION FROM FILING O.T.  
IA No. 8911/2020 - EXEMPTION FROM FILING O.T.)

Date : 18-05-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Varinder Kumar Sharma, AOR  
Mr. Yugal Kishor Prasad, Adv.  
Parul Sharma, Adv.  
Mr. Shantanu Sharma, Adv.  
Mr. Bishan Dass, Adv.  
Ms. Deeksha Gaur, Adv.  
Mr. Krishna, Adv.

For Respondent(s) M/S. Mukesh Kumar Singh And Co., AOR  
Mr. Vijaynath Swami, Adv.  
Mr. Mukesh Kumar Singh, Adv.  
Mr. Narendra Kumar Goyal, Adv.  
Mr. Shantanu Jugtawat, Adv.  
Mr. Surendra Singh Rana, Adv.  
Mr. Chandrakant Sukumar Sarkar, Adv.  
Ms. Kajal Rani, Adv.  
Mr. C M Diwedi, Adv.  
Ms. Kajal Kumari, Adv.  
Ms. Sundri, Adv.

Mr. Soumya Chakraborty, Sr. Adv.  
Mr. Rameshwar Prasad Goyal, AOR

Mr. Somipam MC, Adv.  
Mr. Nishit Shah, Adv.

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

The main point urged by the petitioner in this case is as to whether a Letters Patent Appeal pending in Patna High Court is maintainable against an order that was passed by invoking Article 227 of the Constitution of India. The core dispute from which this proceeding arise is purely civil in nature and the main grievance of the petitioner, who was also the plaintiff in the suit is that the Trial Court had allowed introduction of certain documents after concluding the hearing of the suit and reserving it for judgment.

The suit itself was instituted in the year 1996 and requires adjudication. The Division Bench has come to a finding that the jurisdiction in exercise of which the order was passed by the Single Judge was under Article 226 of the Constitution of India.

We have our doubt as to whether a proceeding of this nature can be treated as a writ petition or not. But ultimately, the order of the High Court is for remit the matter to the learned Single Judge. Having regard to the fact that the suit itself is

pending since 1996, we decline to exercise our jurisdiction under Article 136 of the Constitution of India to entertain the present petition. The point of law, however, shall be kept open.

We request the learned Single Judge to expeditiously dispose of the pending petition, as remitted by the order of the Division Bench, preferably within six months.

The present petition stands dismissed, keeping open the point of law.

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

(SNEHA DAS)  
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)  
ASSISTANT REGISTRAR