

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

L.P.A. No.401 of 2011
in
Writ Petition No.3187 of 2011 (D)
(Manoj Balkrishna Shah and others .vs. M/s Sanchayani Savings &
Investment (India) Ltd. And others.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. R.L. Khapre, Advocate for Appellants.
Mr. A.C. Dharmadhikari, Advocate for Respondent no.3.

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CORAM : B.R. Gavai & Prasanna B. Varale, JJ.
DATED : October 16, 2015.

The present appeal which was though tenable at the time of admission in view of the judgment of the Apex Court in the case of **Surya Devi Rai v. Ram Chander Rai and others** reported in **(2003) 6 Supreme Court Cases 675**, is now not tenable in view of the law laid down by the Apex Court in the case of **Radhey Shyam and another .vs. Chhabi Nath and ors.** reported in **2015 (3) SCALE 88**, thereby holding therein that the law laid down in the case of **Surya Devi Rai** (supra) is not a good law. It has been held by the Apex Court that an order of Civil Court is amenable to the jurisdiction of this Court only under Article 227 of the Constitution of India and as such the L.P.A. would not be tenable.

In that view of the matter, the appeal will have to be rejected in view of the subsequent law laid down by the Apex Court. The Appeal is, therefore, rejected. Needless to state that the appellants would

be entitled to any of the benefits including that of Section 14 of the Limitation Act.

JUDGE

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