

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.66 of 2015 (O&M)
DATE OF DECISION: 28.01.2015

Tarsem Lal Garg

....Appellant

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Chetan Mittal, Senior Advocate with
Mr. Puneet Gupta, Advocate for the appellant

Mr. J.S. Maanipur, Advocate for the
caveator

..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

We have today disposed of LPA No.69 of 2015 (O&M) the subject matter whereof is the same as in the present appeal. This appeal is filed against the order and judgment of a learned Single Judge dated 5.12.2014 in the case of Gurinder Singh Chahal vs. State of Punjab and others - CWP No.23675 of 2012. The appellant was not a party to the proceedings in which that judgment was delivered. A party is not entitled to file an appeal against a judgment delivered in proceedings in which he is not a party because the judgment may affect him adversely only as a precedent. Such a party must file independent proceedings in respect of his independent cause of action or grievance and question the applicability and correctness of that judgment in

those proceedings either before the learned trial court or in appeal. Such a party can always question the correctness of another judgment that is relied on by the other side as a precedent. In the present case, for instance, the appellant has challenged the order affecting him by filing a separate writ petition, namely, Civil Writ Petition No.385 of 2015. He has filed a separate appeal i.e. LPA No.69 of 2015 against the order of the learned Single Judge refusing to consider or grant his application for interim relief therein. He can always question the validity and applicability of the judgment in Gurinder Singh Chahal's case (supra), as we mentioned earlier.

2. The appeal is accordingly dismissed subject to the above clarification.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

28.01.2015
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(AUGUSTINE GEORGE MASIH)
JUDGE

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Whether reportable: ~~Yes~~/No