

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.282 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 7825 of 2012

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Smt. Kanti Devi, Wife of Sri Dasarath Sah, Resident of Mohalla Bakarganj, P.S. Laheriayasarai, District Darbhanga

.... Appellant/s

Versus

1. Vinod Kumar Mandal S/O Late Surya Narayan Mandal
2. Pramod Kumar Mandal S/O Late Surya Narayan Mandal
Both are Resident of Mohalla Bakarganj, P.S. Laheriasarai, District Darbhanga

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Bipin Bihari Singh, Advocate.

For the Respondent/s : Mr. Md. Shahnawaz Ali, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 25-07-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 17.06.2013, whereby the order passed by the Permanent Lok Adalat was not interfered with in a petition filed by the appellant under Article 227 of the Constitution of India.

The Hon'ble Supreme Court, in the case of Jogendrasinhji Vijaysinghji v. State of Gujarat, (2015) 9 SCC 1, has held that an appeal, against an order passed under Article 227 of the Constitution of India, is not maintainable. It was held to the following effect:



“18. The aforesaid authoritative pronouncement makes it clear as day that an order passed by a civil court can only be assailed under Article 227 of the Constitution of India and the parameters of challenge have been clearly laid down by this Court in series of decisions which have been referred to by a three-Judge Bench in Radhey Shyam ;(2015) 5 SCC 423, which is a binding precedent. Needless to emphasise that once it is exclusively assailable under Article 227 of the Constitution of India, no intra-court appeal is maintainable.”

In view of the aforesaid judgment, since the challenge was to an order passed under Article 227 of the Constitution of India, the Appeal is not maintainable. It is accordingly, dismissed.

It shall be open to the appellant to avail remedy as is available to her in accordance with law.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
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