

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.935 of 2015
Arising out of
First Appeal No. 203 of 2007

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Shailendra Singh @ Shailendra Kumar Singh Son of Late Kailash Singh, Resident of Village and Post:- Bara, P.S.:- Nabinagar, District:- Aurangabad.

.... Appellant/s

Versus

Dilip Kumar Singh Son of Late Kesho Prasad Singh, resident of Village:- Pipraura, Police Station:- Madanpur, District:- Aurangabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nand Lal Kumar, Adv

For the Respondent/s : Mr. Sushil Kumar Singh, Adv

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 16-01-2017

Re.: Interlocutory Application No.3951 of 2015

The application is for condonation of delay of 3 years and 192 days in filing of the present Letters Patent Appeal.

2. For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.935 of 2015

The order dated 29th March, 2011 passed in First Appeal No.203 of 2007 by a learned Single Bench of this Court is



subject matter of challenge in the present Letters Patent Appeal whereby, challenge to a judgment dated 12.06.2007 passed by the learned 1st Additional District Judge, Aurangabad in Title Suit No.1 of 2005 arising out of Letters of Administration Case No.2 of 1995/5 of 1996 remained unsuccessful.

2. The order was passed in appeal. The Letters patent Appeal is not permitted after the amendment in the Code of Civil Procedure 1908 by Central Act No. 22 of 2002, when Section 100-A was inserted in the Code of Civil Procedure, which reads as under:-

“100-A. No further appeal in certain cases.—Notwithstanding anything contained in any Letters Patent for any High Court or in any instrument having the force of law or in any other law for the time being in force, where any appeal from an original or appellate decree or order is heard and decided by a Single Judge of a High Court, no further appeal shall lie from the judgment and decree of such Single Judge.”

3. In view of the said provision, we find that the present Letters Patent Appeal is not maintainable and is dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19/01/2017
Transmission Date	

