

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

LETTERS PATENT APPEAL NO.31/2011 in
WRIT PETITION NO.5364/2010 (D)

Mrs. Varsha A. Maheshwari

Vs.

M/s. Bhushan Steel Limited and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

None for appellant.

Shri Sahil Dewani, Advocate for respondents.

CORAM :- A.S.CHANDURKAR AND PUSHPA V. GANEDIWALA, JJ.
DATED :- September 06, 2021.

The representative of the appellant is absent.

Shri Sahil Dewani, learned counsel for the respondents submits that in view of the fact that a challenge has been raised to the common judgment dated 05.01.2011 passed by the learned Single Judge in Writ Petition Nos.5364/2010 and 5664/2010 which writ petitions arose from an order passed by the 4th Joint Civil Judge, Senior Division, Nagpur below Exhibit 16, the letters patent appeal is not maintainable in view of the judgment of this Court in Letters Patent Appeal No.63/2010 in W. P .No.3710/2005 (*Ramdayal G. Khandelwal and ors. Vs. Mahendra B. Khandelwal and ors.*) decided on 29.06.2021.

We have perused the memorandum of appeal and it is clear that the order passed by the Civil Court below Exhibit 16 in Summary Civil Suit No.70/2009 dated 30.09.2010 was challenged by both the parties in separate writ petitions. By the judgment under challenge both the writ petitions came to be dismissed. In view of the fact that the adjudication in the present proceedings was with regard

to an order passed by the Civil Court, it is clear that in the light of the decision in *Ramdayal G.Khandelwal and ors.* (supra) the letters patent appeal is not maintainable.

In view of aforesaid, the letters patent appeal is dismissed as not maintainable. It is open for the appellant to seek redressal of her grievances by initiating appropriate proceedings. The grounds raised in the letters patent appeal are kept open. No costs.

JUDGE

JUDGE

Andurkar..