

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA-1185-2022 (O & M)
Date of Decision: 23.12.2022

Board of School Education, Haryana and anotherAppellant(s)

Versus

Gaje Singh and othersRespondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. K.K. Gupta, Advocate, for the appellants.

G.S.SANDHAWALIA, J. (Oral)

The present letters patent appeal has been filed against the interim order dated 16.12.2022 passed by the learned Single Judge.

The writ petition is already listed on 23.01.2023. Merely because there is a protection granted to the writ petitioners till the next date of hearing, we are of the considered opinion that the appeal is not maintainable in view of the law laid down by the Apex Court in ***Midnapore Peoples Co-op. Bank Ltd. and others vs. Chunilal Nanda and others, (2006) 5 SCC 399*** wherein, it has been held as under:-

“16. Interim orders/interlocutory orders passed during the pendency of a case, fall under one or the other of the following categories :

(i) Orders which finally decide a question or issue in controversy in the main case.

(ii) Orders which finally decide an issue which materially and directly affects the final decision in the main case.

(iii) Orders which finally decide a collateral issue or question which is not the subject matter of the main case.

(iv) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.

(v) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties.

The term 'judgment' occurring in clause 15 of the Letters Patent will take into its fold not only the judgments as defined in section 2(9) CPC and orders enumerated in Order 43 Rule 1 of CPC, but also other orders which, though may not finally and conclusively determine the rights of parties with regard to all or any matters in controversy, may have finality in regard to some collateral matter, which will affect the vital and valuable rights and obligations of the parties. Interlocutory orders which fall under categories (i) to (iii) above, are, therefore, 'judgments' for the purpose of filing appeals under the Letters Patent. On the other hand, orders falling under categories (iv) and (v) are not 'judgments' for purpose of filing appeals provided under the Letters Patent."

We are of the considered opinion that the order which is passed is a routine order and falls within clause Nos. (iv) and (v).

Accordingly, the present appeal stands dismissed being not maintainable.

(G.S. SANDHAWALIA)
JUDGE

23.12.2022
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No