

LPA No.1767 of 2023 (O&M)

1

126 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1767 of 2023 (O&M)

Decided on :23.11.2023

Karnail Singh

.....Appellant

VERSUS

State of Punjab & Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. R.B.S. Chahal, Advocate for the appellant.

DEEPAK SIBAL, J (ORAL)

1 The present Intra Court Appeal has been filed to challenge therein order dated 12.10.2023 through which a learned Single Judge of this Court has refused to prepone the date of hearing of the writ petition filed by respondents No.6 to 13.

2 In 'Midnapore Peoples Co-op. Bank Ltd. And Ors. Vs. Chunilal Nanda and Ors.,(2006)5 SCC 399', the Hon'ble Supreme Court has held as follows:-

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.

3 A perusal of the afore quoted portion of the judgment of the Supreme Court in ‘Midnapore Peoples Co-op. Bank Ltd.’s case (supra) reveals that routine orders which are passed only to facilitate the progress of the case till its culmination in the final judgment and 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 are not “judgment” against which Intra Court appeals under the Letter Patent can be filed.

4 The impugned order through which the learned Single Judge has refused to prepone the date of hearing of respondents 6 to 13’s writ petition from 15.12.2023 would be an order which would only cause some inconvenience to the appellant but which would not finally determine any right or obligation of the parties. Therefore, it would not be a “judgment” for the purpose of filing of the present intra Court appeal under the Letters Patent.

5 Dismissed.

(DEEPAK SIBAL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

23.11.2023

jyoti3

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No