IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No. 9 of 2023
Date of Decision: 06.01.2023

Sandeep Kumar and others

.....Appellants

Vs.

Union of India and others **.....Respondents**

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

Present: Mrs. Kanwal Singh Walia, Advocate,
for the appellants.

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G.S.SANDHAWALIA, J. (ORAL)

The challenge in this Letter Patent Appeal is to the order dated 19.12.2022, passed by the learned Single Judge, whereby the application for early hearing has been dismissed.

A perusal of the paper book and the order downloaded from the website of the High Court, would transpire that notice of motion was issued only on 12.12.2022 and the case has been adjourned to 13.02.2023. The application for early hearing was filed a week later, without even completing the pleadings.

In such circumstances, we are of the considered opinion that the appeal is not maintainable, in view of the law laid down by the Supreme Court in ***Midnapore Peoples Co-op. Bank Ltd. and others vs. Chunilal Nanda and others, (2006) 5 SCC 399,*** that since the orders passed by the learned Single Judge are routine orders which are facilitating the progress of the Court and may be causing some inconvenience and prejudice to the party but no final rights or obligations have been

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determined. The relevant portion of *Midnapore's case (supra)* reads thus:-

> *"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*

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hand, orders falling under categories (iv) and (v) are not 'judgments' for purpose of filing appeals provided under the Letters Patent."

Even otherwise, we are also fail to understand that how a writ petition on the original side can be decided, without even completing the pleadings and therefore, we feel that the present appeal is also misconceived.

Accordingly, the appeal is dismissed.

(G.S. SANDHAWALIA)
JUDGE

January 06, 2023 **(HARPREET KAUR JEEWAN)**
nitin **JUDGE**

Whether Speaking Yes
Whether Reportable No

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