Serial No. 55
Regular List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA 316/2024
In FAO 13/2024
CM(7302/2024)

M/S Saptagiri Restaurant Private Limited … Appellant(s)

Through: Mr. Anil Bhan, Senior Advocate with
Mr. Danish Majid, Advocate.

Vs.

Airport Authority of India & Ors ...Respondent(s)

Through: Mr. Sunil Sethi, Senior Advocate with
Mr. Parimoksh Seth, Advocate.

CORAM:
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE.

ORDER
23.12.2024

01. Without commenting upon the maintainability of the present appeal particularly in view of the submissions made by Mr. Sunil Sethi, learned senior counsel appearing on behalf of the respondents, we have heard the learned counsel for the parties and perused the record.

02. Perusal of the order impugned dated 11.10.2024 reveals that after taking note of the assertions made by the respondents that the order dated 22.07.2024 was passed on the statement made by an officer, who was incompetent to do so, particularly in view of the fact that the order dated 20.12.2023 was issued by the higher Authority.

03. The learned Single Judge vide order dated 11.10.2024 allowed the application filed by the respondents for recalling of order dated 22.07.2024. The practical effect of the recalling of order dated 22.07.2024, is the revival of not only the appeal preferred by the respondents, but also the suit which came to be disposed of by the learned Single Judge vide order dated 22.07.2024. After having gone through the order passed by the learned Single Bench, we do not find any infirmity in the same.

04. Once the suit and the appeal arising out of the interim order, which was subject matter of the appeal get revived, the appellants cannot claim to have been prejudiced by the order dated 11.10.2024.

05. In view of the above, we do not find any reason to show any indulgence. Needless to say that the rights of the appellants stand already protected by the order passed by the learned Trial Court, which is subject matter of the appeal.

06. Accordingly, we ***dispose*** of the present Intra Court appeal with the aforementioned observations.

(MOHD YOUSUF WANI) **(RAJNESH OSWAL)**
JUDGE **JUDGE**

SRINAGAR:
23.12.2024
"HAMID"

HIGH COURT
JAMMU & KASHMIR AND LADAKH

Abdul Hamid Bhat
I attest to the accuracy and
authenticity of this document

26.12.24