



2024:DHC:9060-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 1121/2024 and CM APPL. 66773/2024

M.M. DHONCHAK

.....Appellant

Through: Mr. Tanuj Jaglan, Advocate
with appellant in person

versus

UNION OF INDIA

.....Respondent

Through: Mr. Ravi Prakash, CGSC with
Mr. Aakash Meena and Mr. Taha Yasin,
Advocates

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER (ORAL)

18.11.2024

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C. HARI SHANKAR, J.

1. This Letters Patent Appeal under Clause 10 of the Letters Patent applicable to this Court assails order dated 21 October 2024 whereby the learned Single Judge has merely rejected the application seeking preponement of hearing.

2. As held by the Supreme Court in *Shah Babulal Khimjki v. Jayaben D. Kania and Ors¹*, a Letters Patent Appeal under Clause 10 of the Letters Patent is maintainable only against a judgment. The judgment has been defined in the said case as a decision which determines the right of one of the parties to the litigation even if it is at

¹ (1981) 4 SCC 8



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an interim stage.

3. The impugned order does not do so. The LPA is not maintainable. It is accordingly dismissed.

C. HARI SHANKAR, J.

ANOOP KUMAR MENDIRATTA, J.

NOVEMBER 18, 2024/yg

Click here to check corrigendum, if any