



WEB COPY LPA.SR.Nos.107762 & 107755 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

LPA.SR.Nos.107762 & 107755 of 2025

K.Ramalingam

S/o Kannan

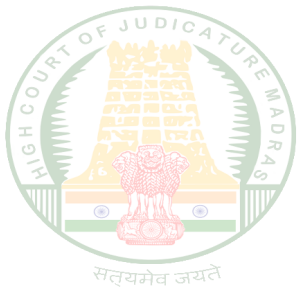
..Appellant in both the Appeals

Vs

1. SPAC Tapicoca Products (I) Ltd.,
A limited Company,
Now business at Poonachi Village,
Anthiyur Taluk
represented by its Executive Director
R.P.Arul Sundaram
carrying on business in its registered office
at D.No.102, Shiek Dawood Street,
Erode 638 001
Rep. By its Power of Attorney
M.Balasubramanian,
(Manager Raja Chidambaram,
Human Resource Department)

2. Arun Casuals Inida Ltd.,
Represented by its Managing Director,
M.S.Arun Kumar,
Singampettai)PO),
Bhavani,Erode.

3.Archana,
W/o M.S.Arun Kumar,
Singampettai(PO),
Bhavani, Erode.



WEB COPY

4. Mohan,

S/o K.N.Arthanareeswara Gounder,
Singampettai)PO),
Bhavani,Erode.

..Respondents in both the Appeals.

Prayer in LPA.No.107762 of 2025 Letters Patent Appeals under Clause 15 of Letters Patent Appeal to set aside the directions issued in paragraph No.7 & 8 of the order dated 30.06.2025 in Crl.O.P.No.27089 of 2024 in Crl.A.SR.No.49576 of 2024 passed by the learned single Judge of this Court.

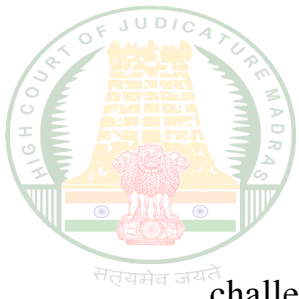
Prayer in LPA.No.107755 of 2025 Letters Patent Appeals under Clause 15 of Letters Patent Appeal to set aside the directions issued in paragraph No.7 & 8 of the order dated 30.06.2025 in Crl.O.P.No.27094 of 2024 in Crl.A.SR.No.59577 of 2024 passed by the learned single Judge of this Court.

For Appellant : Mr.Sharath Chandran

COMMON ORDER

(The Order of the Court was made by N.Sathish Kumar)

The petitioners/appellants have submitted that though the appeals were filed challenging the order of the learned single Judge, passed in exercise of Section 419 of BNSS, 2023, his contention is that he has not

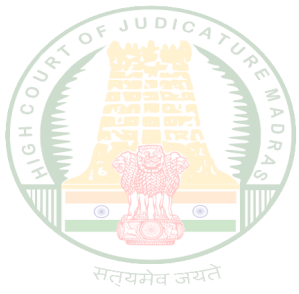


WEB COPY

challenged the merits of the case, but has challenged only the direction of the learned Single Judge, issuing a Circular to the Registry, directing to implement the order of the Hon'ble Supreme Court prospectively in filing an appeal under Section 138 of the Negotiable Instrument Act.

2. It is also brought to the notice of the Court that the learned Single Judge has took a different view and directed the petitioner to file a review petition before the learned Single Judge who has passed an order in Crl.O.P.No.27089 and 27084 of 2024 in Crl.A.SR.Nos.49576 & 59577/2024. Admittedly, Crl.O.P.Nos.27089 & 27094/2024 were already disposed of. Therefore, we find that the question of filing a recall petition does not arise at all. The matter is with regard to the filing of the appeals arising out of Negotiable Instruments Act. The issue is whether an appeal will lie before the High Court or Sessions Court.

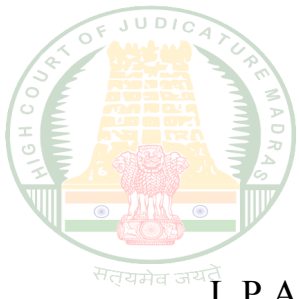
3. Pursuant to the direction of the learned single Judge referred to above, the Registry has issued a Circular. The learned counsel has challenged the Circular alone by way of these appeals. Hence, according to the learned counsel, L.P.As. are very much maintainable.



WEB COPY

4. In support of the above contentions, the learned counsel for the petitioner/appellant relied upon the judgment of the Division Bench of Patna High Court reported in **2019 SCC Online Pat 1258(DB) (Co-ordination Committee of Three Association of Lawyers of Patna High Court and Anr. v. State of Bihar and Anr.)**, wherein it has been held that "the nature of jurisdiction exercised by the learned Single Judge by issuing the impugned directions, even though is in a bail matter pertaining to the criminal jurisdiction of this Court, yet the nature of the directions issued are in exercise of the jurisdiction by way of mandamus which partakes the character of a writ under Article 226 of the Constitution" and further held that the direction issued in the impugned order therein does not relate to the merits of the case and therefore, LPA is maintainable.

5. Yet another judgment relied upon by the learned counsel is the judgment of the Division Bench of this Court in **C.M.P.No.2614 of 2020 in w.A.SR.No.140650 of 2019(DB) (K.Natrajan v. Kdekdwani Rasmini and Ors.)** in which, the then Chief Justice has entertained the



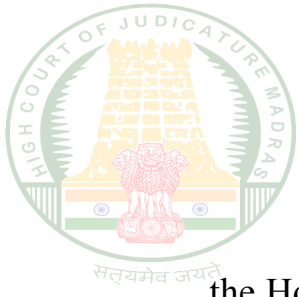
WEB COPY

L.P.A. as against the direction of the learned Single Judge, while exercising the criminal proceedings, directing to pay compensation and to deduct the compensation from the salary of the appellant therein.

6. Learned counsel also relied upon the judgment of this Court in ***C.M.P.(MD).No.10076/2017 in W.A(MD)No.1427 of 2017*** wherein the Division Bench of this Court has held that the order passed by the learned single Judge is only an interim order pending disposal of the main relief sought for in the writ petition and as the implementation of the order has been made by an incompetent authority which could not be executed, the Appeal was entertained.

7. Learned counsel also submitted that in a similar case as against the interim direction passed by the learned single Judge, the Division Bench of this Court in Contempt Appeal(MD).No.2 of 2018, has entertained the L.P.A.

8. Since the challenge made is with regard to the direction of the learned single Judge of this Court, directing to implement the order of

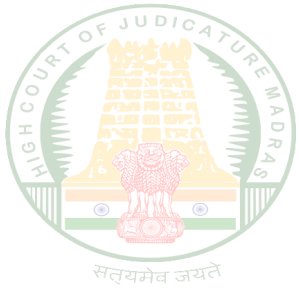


WEB COPY

the Hon'ble Apex Court prospectively, which admittedly, does not reflect in the judgment of the Hon'ble Supreme Court and creates lot of confusion and that some of the pending appeals have been sent back to the file of the District Courts and some of the appeals have also been closed, this issue requires a detail deliberation. Therefore, Registry is directed to number the Appeals, if they are otherwise, in order, and post the Appeals for hearing on 20.11.2025.

vsi

(N.S.K.,J.) (M.J.R.,J.)
06.11.2025



WEB COPY



7

N.SATHISH KUMAR, J.

and

M.JOTHIRAMAN, J.

vsi

LPA.SR.Nos.107762 & 107755 of 2025

06.11.2025