

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2007

CC 2845/2007

(From the judgement and order dated 25/08/2006 in MCC No.1877/2006
in WA No. 106/2006 of The HIGH COURT OF M.P AT JABALPUR)

SHIV KUMAR DUBEY

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

With IA 1 (c/delay in filing SLP)

Date: 30/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s) Mr. Sudhir Kulshreshtha, Adv. (SCLSC)

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

This special leave petition is directed against an order dated 25.8.2006 passed by Division Bench of the High Court of Judicature at Jabalpur in Writ Appeal No.106/2006, in which an application for restoration of the writ appeal was rejected on the ground that the appeal itself was not maintainable. It is not disputed before us that the original order of the learned Single Judge

of the High Court was passed in exercise of the power under Article 227 of the Constitution. Therefore, we are not accepting the submission of the learned counsel for the petitioner herein that the writ appeal was maintainable before the Division Bench. Accordingly, the special leave petition is dismissed. However, it would be open to the petitioner herein to move this Court against the original order passed under Article 227 of the Constitution with an application for condonation of delay. We make it clear that we have not gone into the merits of the case.

(A.D. Sharma)

Court Master

(Phoolan Wati Arora)

Court Master