

NON REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4775 OF 2009
(Arising out of SLP@No.13700 of 2008)

Public Health & Engineering
Department & Anr.Appellants
VERSUS
Rajendra Singh ...Respondent

JUDGMENT

TARUN CHATTERJEE, J.

- 1. Delay condoned.
- 2. Leave granted.
- 3. This special leave petition, in which leave has already been granted, has been filed against the final judgment and order dated 2nd of March, 2005 in Writ Petition @ No.683 of 2002 by the High Court of Madhya Pradesh Bench at Indore.
- 4. In view of the recent enactment of the Madhya Pradesh Uchcha Nayayalaya (Khand Nyaypeeth Ko Appeal) Adhinyam, 2005, the learned counsel for the appellants submitted that permission may be granted to the appellants to withdraw the present petition and to pursue his remedy by way of Letters Patent Appeal (LPA).

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- 5. In view of the recent enactment of the Madhya Pradesh Uchcha Nayayalaya (Khand Nyaypeeth Ko Appeal) Adhinyam, 2005, which confers power on the High Court to entertain the LPA against an order of the learned Single Judge, we set aside the impugned order and grant liberty to the appellants to file an LPA before the Division Bench of the High Court with an application for condonation which shall be allowed by the Division Bench of the High Court. The High Court shall thereafter decide the LPA after hearing the parties in accordance with law.
- 6. The appeal is disposed of accordingly.

.....J.
[Tarun Chatterjee]

New Delhi;
July 28, 2009.

.....J.
[R.M.Lodha]

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ITEM NO.1-B COURT NO.5
[FOR JUDGMENT]

SECTION XV

SUPR EME COUR T OF I ND I A
RECORD OF PROCEEDINGS

C.A. No.4775 of 2009
@ Petition(s) for Special Leave to Appeal (Civil)
No(s).13700/2008
(From the judgement and order dated 02/03/2005 in WP No.
683/2002 of The HIGH COURT OF M.P AT INDORE)

PUBLIC HEALTH & ENG. DEPTT. & ANR.

Appellant(s)/
Petitioner(s)

VERSUS

RAJENDRA SINGH

Respondent(s)

Date: 28/07/2009 This matter was called on for judgment
today.

For Petitioner(s) Mr. Vikas Upadhyay, Adv.
Mr. B.S. Banthia,Adv.

For Respondent(s) Dr. Kailash Chand,Adv.

Hon'ble Mr. Justice Tarun Chatterjee
pronounced non-reportable judgment of the Bench
comprising His Lordship and Hon'ble Mr. Justice
R.M. Lodha.

Delay condoned.

Leave granted.

The appeal is disposed of in terms of
signed non-reportable judgment placed on the file.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master

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(Signed non-reportable judgment is placed on the file)