

SLP(C)No. 10595 OF 2001

ITEM No.43

Court No. 4

SECTION XIA  
A/N MATTER

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) No.10595/2001

(From the judgement and order dated 30/04/2001 in AHO 47/00  
of The HIGH COURT OF ORISSA AT CUTTACK)

JANARDAN SAMAL

Petitioner (s)

VERSUS

ORISSA STATE CIVIL SUPPLIES CORPN. LTD.

Respondent (s)

( With Appln(s). for directions & with prayer for interim relief &  
Office Report )

Date : 28/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. PN Misra,Sr.Adv.  
Mr. S. Misra,Adv.  
Mr. RM Patnaik,Adv.  
Mr. Abhijit Sengupta,Adv.

For Respondent (s) Mr. Jana Kalyan Das,Adv.

UPON hearing counsel the Court made the following  
O R D E R

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.SP2

After hearing learned counsel for the parties for  
a while, the Court dictated an order granting leave and  
allowing the appeal with no order as to costs.

.SP1

(Neelam Kawatra)  
Court Master

(S. Krishnan)  
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 808 OF 2002@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(Arising out of S.L.P.(C)No. 10595/2001)

Janardan Samal

Appellant (s)

versus

Orissa State Civil Supplies

Respondent (s)

O R D E R@@  
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Leave granted.

It is not disputed that no letters patent appeal is maintainable under Section 104(2) of the Code of Civil Procedure. In that view of the matter, the judgment under challenge is set aside. The appeal is allowed. There shall be no order as to costs.

The respondent is directed to refund the cost which he has received from the appellant in pursuance of the order of the High Court.

.SP1

.....J  
(V.N. Khare)

New Delhi,  
January 28, 2002.

.....J  
(Ashok Bhan)