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SLP(C)No. 595 OF 2001
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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(Arising out of SLP(C) No. 595 OF 2001)

Surender & Ors. ...Appellant (s)

Versus

Haryana Vidyut Prasaran Nigam Ltd. & Ors. ...Respondent(s)

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Leave granted.

The appellant approached the High Court alleging that in the matter of implementation of the direction of this Court a fresh cause of action arises and, therefore, the Court must examine the same. The High Court however disposes of that application by order dated 25th April, 2000 which, on the face of it, indicates that the appellant himself withdrew the application saying that he would move this Court for clarification of the order dated 18th November, 1999. When the matter had come up before us, we had directed that the counsel appearing in the High Court should file an affidavit indicating the circumstances on which the petitioner's counsel made the aforesaid submission. Pursuant to the said direction an affidavit has been filed by Shri Narender Hooda who is present and also reiterates as to what he had stated in the affidavit. Mr. Mahabir Singh appearing for the Corporation however contended that once an ...2

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order has been passed by a Court, if there is any inaccuracy in the same, it would be meet and proper to move the concerned Court by filing an application for review and it would not be within the jurisdiction of this Court under Article 136 of the Constitution of India to interfere with the same. We find sufficient force in the aforesaid contention. But having regard to the affidavit filed by the counsel who was appearing before the High Court and reiteration of the same by the learned counsel, who is present in Court, we think it appropriate to set aside the impugned order and direct the High Court to examine the merits of the writ petition and dispose it of afresh in accordance with law.

The appeal stands disposed of accordingly.

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(G.B. PATTANAIAK)@@

