

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION Nos.7-8 OF 2011
in
CIVIL APPEAL NO. 8340-8341 OF 2009

M/S FOMENTO RESORTS & HOTELS LTD.AND ANOTHER ...Appellant (s)

VERSUS

ROHIDAS NAIK ...Respondent(s)

O R D E R

Interlocutory Application Nos.7-8 of 2011 has been filed by the appellants with a prayer that in the light of the opinion expressed by the Full Bench of the High Court of Bombay in L.P.A. No.19 of 2009 decided on 21.7.2011, Letters Patent Appeal would be maintainable before a Division Bench of the High Court against an order passed by the learned Single Judge exercising the powers conferred on him under Article 226 of the Constitution of India.

The opinion expressed by the Full Bench has been annexed along with the said application. Clause C of paragraph 58 of the said opinion is clear and categorically holds that Letters Patent Appeal would now be maintainable. Thus, earlier controversy has now been set at rest. In the light of this, learned counsel for the appellants submitted that against the impugned order passed by the learned Single Judge, he would

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prefer an appeal before the Division Bench.

Permission as sought is granted. The appellants, if so advised, may prefer an appeal against the order passed by the learned Single Judge.

With the aforesaid direction, these appeals and the applications stand disposed of.

.....J.

