

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3301-3303 OF 2023
(Arising out of SLP(C) Nos.36977-36978/2013)

AWADHESH KUMAR SHUKLA

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

ORDER

Leave granted.

The appellant is an auction purchaser of certain agricultural land situated in village Raati, Pargana Nigoha, Tehsil Mohanlalganj, District Lucknow. The auction took place as the late father of respondent no. 7 had defaulted in repayment of loan obtained from Uttar Pradesh Financial Corporation (respondent no. 5 herein). The auction sale took place on 30th December, 1989.

The Respondent No. 7 had instituted a writ petition in High Court after being unsuccessful before the Board of Revenue as also the Additional Commissioner, Lucknow Division in having the auction sale annulled. It appears that the respondent No. 7 had applied first before the Additional Commissioner, Lucknow Division on 26.03.2010 and his plea was rejected on the ground of limitation by the Additional Commissioner as well as the Revisional authority being

the Board of Revenue. The High Court, however, set aside both the orders of these statutory fora on the ground that the respondent No. 7 being a soldier, he was entitled to the benefit of liberal interpretation of laws under the Indian Soldiers (Litigation) Act, 1925.

Admitted position, however, is that the said respondent is not a soldier subject to the Army Act, 1950. He works in ordinance factory as a fitter in the small arms factory in Kanpur. The respondent No. 7 could not demonstrate before us how the benefits under the 1925 Act could be extended to him.

In such circumstances, in our opinion, the decision of the High Court in condoning such a long delay was erroneous. Practically, no reason has been disclosed by the High Court in restoring the matter before the Additional Commissioner. We, accordingly, set aside the impugned order.

The appeals stand allowed in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J.
[ANIRUDDHA BOSE]

.....J.
[SUDHANSHU DHULIA]

NEW DELHI;
MAY 02, 2023.

ITEM NO.22

COURT NO.11

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) Nos. 36977-36978/2013

(Arising out of impugned final judgment and order dated 03-02-2011 in CMWP No. 314/2011 06-03-2013 in CMP No. 112250/2012 06-03-2013 in CMWP No. 314/2011 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

AWADHESH KUMAR SHUKLA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

Date : 02-05-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Praveen Swarup, AOR
Mr. Praveen Swarup, Adv.
Mr. Ameet Siingh, Adv.
Ms. Payal Swarup, Adv.
Ms. Pareena Swarup, Adv.
Mr. Devesh Maurya, Adv.

For Respondent(s) Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.

Mr. Rakesh Uttamchandra Upadhyay, AOR
Ms. Aarti U Mishra, Adv.
Mr. Harsh Som, Adv.
Mr. R.c.pathak, Adv.

Mr. S. R. Setia, AOR
Mr. K B Upadhyay, Adv.
Mr. Manmohan, Adv.
Mr. S N Tripathi, Adv.
Mr. Shailesh Tiwari, Adv.
Ms. Pinki Tiwari, Adv.

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

Leave granted.

The present appeals stand allowed in terms of
the signed order which is placed on the file.

Pending application(s), if any, shall also
stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)
ASSISTANT REGISTRAR