

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).23885/2003

(From the judgement and order dated 29/08/2003 in LPA No.343/2001 of
The HIGH COURT OF PATNA)

HIRA GIRI AND ANR.

Petitioner(s)

VERSUS

KESHWAR SAO (DEAD) BY LRS. AND ANR.

Respondent(s)

[With office report][For final disposal]

WITH SLP(C) NO.3145 of 2004

[With appln. for c/delay in filing SLP, directions and office report]

[For final disposal]

Date: 06/03/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Mr. Mukesh K. Giri, Adv.

For Respondent(s) Not represented till date.

UPON hearing counsel the Court made the following
ORDER

The question which arises for consideration in these Special Leave Petitions involves the applicability of Section 100A of the Code of Civil Procedure which has been brought in the Statute Book by reason of an amendment made by the Parliament by reason of Code of Civil Procedure (Amendment) Act, 2002.

One of the questions which would arise for consideration in these Special Leave Petitions is as to whether an appeal in terms of Section 173(1) of the Motor Vehicles Act being not an appeal within the meaning of Section 96 of the Code of Civil Procedure, Section 100A thereof shall apply.

S.L.P.(C)No.23885/03 etc. (contd.)

-2-

It is stated at the Bar that a large number of matters involving this question are pending before this Court.

The Registry, therefore, would be well advised to bunch those cases which are at least ready for hearing and place them before an appropriate Bench so that an authoritative pronouncement can be rendered.

Let this matter, for the present, go out of the list.

(Subhash Chander)
A.R.-cum-P.S.

(Pushap Lata Bhardwaj)
Court Master