

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19000/2006

(From the judgement and order dated 06/10/2006 in LPA No. 43/2006 & LPA No. 4358/2006 of the HIGH COURT OF BOMBAY AT AURANGABAD)

VINOD BIHARILAL NARANG
VERSUS

Petitioner(s)

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With appln(s) for permission to place addl. documents on record, impleadment and exemption from filing O.T. and with prayer for interim relief and office report)

Date: 31/03/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. Vinay Naware,Adv.
Mr. Arvind Avhad,Adv.
Ms. Chandan Ramamurthi,Adv.

For Respondent(s) Mr. Uday B. Dube,Adv.
Mr. Kuldip Singh,Adv.

Ms. Asha Gopalan Nair,Adv.

Mr. M.Y. Deshmukh,Adv.
Ms. Neetu S. Chauhan,Adv.
Mr. Rameshwar Prasad Goyal,Adv.

Mr. Shivaji M. Jadhav,Adv.

Mr. Sunil Kumar Verma,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

Heard the learned counsel for the parties.

The impugned judgment is set aside, the matter is remitted to the learned Single Judge of the High Court for consideration thereof afresh and the appeal is disposed of in terms of the signed order.

Application for impleadment is dismissed as not pressed.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER

Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2399 OF 2008
[Arising out of SLP(C) No.19000/2006]

VINOD BIHARILAL NARANG

... APPELLANT(S)

:VERSUS:

ORDER

Leave granted.

Having heard the learned counsel for the parties we are of the opinion that the writ appeal filed by the respondents before the High Court should not have been entertained, the writ petition having been filed under Article 227 of the Constitution.

The impugned judgment being wholly without jurisdiction is a nullity and it is set aside accordingly. The matter is remitted to the learned Single Judge of the High Court for consideration thereof afresh. All contentions of the parties shall, however, remain open before the Single Judge. The learned Single Judge is requested to consider the desirability of expediting the hearing of the writ petition.

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The appeal is disposed of with the aforementioned direction.

.....J
(S.B. SINHA)

.....J
(LOKESHWAR SINGH PANTA)

NEW DELHI,
MARCH 31, 2008.