
(2020) 05 MP CK 0045

In the Madhya Pradesh High Court

Case No : Writ Appeal No. 1842 Of 2019

Gopal Murti Dubey And Others

APPELLANT

Vs

State Of M.P. And Others

RESPONDENT

Date of Decision : 11-05-2020

Acts Referred:

Madhya Pradesh Uchcha Nyayalay (Khand Nyay Peeth Ko Appeal) Adhiniyam, 2005 — Section 2(i)

Citation : (2020) 05 MP CK 0045

Hon'ble Judges : Sheel Nagu, J;Rajeev Kumar Shrivastava, J

Bench : Division Bench

Advocate : Gaurav Mishra, Pratip Visoriya

Final Decision : Dismissed

Judgement

1. The instant intra court appeal filed u/S. 2(i) of M.P. Uchcha Nyayalay (Khand Nyay Peeth Ko Appeal) Adhiniyam, 2005 (for brevity Adhiniyam

2005) assails the interlocutory order passed by the learned single judge on 24/9/2019 in W.P.6500/2011 whereby while adjudicating the petition filed

u/Art. 226 of the Constitution of India, an application for intervention bearing I.A. 902/2012 was allowed and petitioners/appellants herein were

directed to implead the intervenors as party.

2. In the face of the statutory bar contained in Sec. 2(1) of the Adhiniyam 2005, it has to be seen whether this writ appeal is maintainable against an

interlocutory order.

3. On the anvil of the law laid down by the Full Bench of this court in the case of Arvind Kumar Jain Vs. State of M.P., reported in 2007(3) MPLJ

565, if an interlocutory order results in substantially deciding a particular issue contested between the parties then the court may entertain a writ appeal

against an interlocutory order, not otherwise. Relevant para 26 of the said judgment is reproduced below:-

26. From the aforesaid enunciation of law there remains no scintilla of doubt that interlocutory orders on certain circumstances, could be appealed against under the Letters Patent. Despite the fact they are interlocutory in nature they can be put into the compartment of judgment if it affects the merits of the case between the parties by determining some rights or liabilities. There can be three categories of judgments, final judgment, preliminary judgment and intermediary judgment or interlocutory judgment. If the order finally decides the question and directly affects the decision in the main case or an order which decides the collateral issue or the question which is not the subject matter of the main case or which determines the rights and obligation of the parties in a final way indubitably they are appealable.

4. The impugned order herein allowed an application for intervention and directed the petitioners/appellants herein to implead the intervenors and extended liberty to the intervenors to file return/reply, if they so desire.

5. After having heard the learned counsel for the rival parties on the question of admission, this court is of the firm view that this writ appeal is not maintainable.

5.1 Allowing of an application for intervention with a direction to implead them as respondents does not adversely affect any of the substantial rights of the petitioners/appellants herein.

5.2 At best, the petitioners will have to contest the submissions/objections of the intervenors who have been impleaded as respondents.

5.3 Pertinently, the respondents (erstwhile intervenors) do not have any right to seek any remedy against the petitioners.

5.4 The impugned order appears to have been passed by the court to enable the proper facts and circumstances to come before the court thereby assisting the court in its pursuit of truth and proper and effective adjudication of the issue involved.

6. In view of the above, no case for interference is made out and therefore the writ appeal stands dismissed, sans cost.

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