

(2011) 11 JH CK 0077
In the Jharkhand High Court
Case No : L.P.A. No. 508 of 2010

Jharkhand State Electricity Board and Others

APPELLANT

Vs

M/s Sukh Sagar Metal Pvt. Ltd.

RESPONDENT

Date of Decision : 09-11-2011

Acts Referred:

Citation : (2011) 11 JH CK 0077

Hon'ble Judges : Prakash Tatia, J;Jaya Roy, J

Bench : Division Bench

Judgement

1. It appears that the interim order was passed before written submission could have been filed by the respondent, and therefore, this L.P.A. was entertained. By the order dated 8.12.2010, the respondents were permitted to submit written submissions and it was directed that the matter may be taken up by the learned Single Judge on 13.12.2010.

2. Learned counsel for the parties submitted that the written submission was submitted by the appellants before the learned Single Judge and the learned counsel for the respondent submitted that after the submission of the written submission by the present appellant again interim order has been passed by the learned Single Judge against which L.P.A. was preferred and the same was disposed of.

3. Learned counsel for the appellants submitted the appellants' writ petition if disposed of, it may be observed that the points raised in this L.P.A. may not be res judicata.

4. Learned counsel for the respondents submitted that if the matter is disposed of then nothing survives in it after passing of the second interim order by the learned Single Judge after hearing the present appellants.

5. We are of the considered opinion that this L.P.A. is arising out of the Interim order and no final finding is recorded in the interim order and in this case since

the subsequent order has been passed and that too is only an interim order against which this L.P.A. was preferred and disposed of even then the points which the present appellant wants to raise cannot be treated to be res judicata as it is a settled law that the findings recorded in the interim order are not the res judicata in the main proceedings, therefore, this L.P.A. can be disposed of with the liberty to the appellant to raise the grounds on the point of law in the main petition at the appropriate stage.

6. With the aforesaid observation, the L.P.A. is disposed of.