

(2021) 10 UK CK 0014
In the Uttarakhand High Court
Case No : Special Appeal No. 328 Of 2021

Leela Devi

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 04-10-2021

Acts Referred:

Citation : (2021) 10 UK CK 0014

Hon'ble Judges : Ramesh Chandra Khulbe, J;Alok Kumar Verma, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Raghvendra Singh Chauhan, CJ

1. The learned counsel for the appellant submits that although he had argued before the learned Single Judge that the petitioner is entitled to the payment of interest on the amount due, the learned Single Judge has neither noted the said contention, nor has given any judicial finding on the said issue.
2. In catena of cases, Hon'ble Supreme Court is of the opinion that if a contention has been raised before the learned Single Judge, which has neither been recorded, nor decided by the learned Single Judge, the only remedy available to the appellant would be to file a review petition before the concerned Judge.
3. Once this point was mentioned to the learned counsel for the appellant, he wishes to withdraw the present appeal, and seeks the liberty to file a review petition before the learned Single Judge.
4. Hence, this appeal is dismissed is withdrawn. The liberty to file a review petition is hereby granted.