
(2012) 04 JH CK 0136
In the Jharkhand High Court
Case No : Writ Petition (T) No. 961 of 2012

M/s National Printers

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 27-04-2012

Acts Referred:

Citation : (2012) 04 JH CK 0136

Hon'ble Judges : Prakash Tatia, C.J.; Aparesh Kumar Singh, J

Bench : Division Bench

Advocate : B. Poddar, Anil Choudhary, Darshana Poddar, S. Berlia and Piyush Poddar, for the Appellant; R. Krishna, Saurav Arun and A. Sinha, J.C. to A.G., for the Respondent

Judgement

1. Heard learned counsel for the applicant in I.A. No. 1446 of 2012. First of all, it appears that the office has wrongly listed decided writ petition; W.P. (C) No. 961 of 2012, for orders as the said writ petition was already decided along with L.P.A. No. 180 of 2012 vide judgment dated 19th April, 2012.
2. Whenever any application is submitted in decided cases then on that count decided cases can not be listed in Court even for "For Orders" unless any specific order is passed by the Court on the application submitted in the decided case. The Court also can order to list the decided matter suo moto.
3. It was practice in the Court to move Interlocutory Application even in decided cases whereas such applications can be filed only as Civil Miscellaneous Petitions, which is required to be separately registered and may be placed before the Court for orders on such application so that proper order can be passed by the Court on such application so as to call for the record of the decided matter, if needed.
4. To avoid delay, it may be appropriate that on moving any application in decided cases, the Registry itself may tag record of the decided matter relating to application with such application and may list the application for orders and should not list the decided matter itself. Such applications are to be registered as

C.M.P. and to be listed by indicating in the Cause List. Below the such C.M.P. record of decided case be shown as "Record tagged" so that the Court and the counsels who may be appearing for the respondents" may know that the matter has been listed for orders on an application and the decided petition has been listed in the Court as record for passing order on C.M.P. This will further avoid the confusion and will avoid transcribing the order in the decided writ petition itself while dealing with such Miscellaneous Petition filed in the decided matter.

Therefore, office is directed that, in future:-:

(a.) register any application, filed in decided case as a "Civil Miscellaneous Petition", irrespective of the fact of mentioning of Interlocutory Application in decided case.

(b.) such Civil Miscellaneous Petition be shown in the cause list and be placed in the category of

"For Orders".

(c.) The record of the decided matter be attached with such Civil Miscellaneous Petition. The decided case may also be shown in the Cause list just below the listed Civil Miscellaneous Petition but not as separate matter.

However, in the present case we are ignoring above defects as this application I.A. No. 1446 of 2012 be now registered separately as Civil Miscellaneous Petition at its serial number.