
(2023) 04 UK CK 0009

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 488 Of 2023

State Of Uttarakhand Through Collector, Tehri Garhwal

APPELLANT

Vs

Darshan Mahavidyalaya Trust And Others

RESPONDENT

Date of Decision : 06-04-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Section 92, 96
Constitution Of India, 1950 — Article 227

Citation : (2023) 04 UK CK 0009

Hon'ble Judges : Vipin Sanghi, CJ

Bench : Single Bench

Advocate : I.P. Kohli, R.C. Arya, Yogesh Chandra Tiwari

Final Decision : Dismissed

Judgement

Vipin Sanghi, CJ

1) The petitioner has preferred the present petition, under Article 227 of the Constitution of India, to assail the judgment dated 04.06.2007, passed in Misc. Civil Case No. 55 of 2005.

2) Without going to any other aspect, including the aspect of limitation / laches, I am of the view, that the present petition under Article 227 of the Constitution, is not maintainable, since the impugned judgment has been rendered in a suit instituted under Section 92 of the CPC, and as the said suit results in a "decree", the same would be appealable under Section 96 of the CPC.

3) I, therefore, dismiss this petition with liberty to the petitioner to avail of the civil remedy available to the petitioner. However, it is made clear that I have not gone into the issue of delay / limitation.