

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 14102/2022

(Arising out of impugned final judgment and order dated 25-04-2022 in MP No. 6686/2018 passed by the High Court of Judicature at Allahabad)

RAJ SHRI AGARWAL @ RAM SHRI AGARWAL & ANR. Petitioner(s)

VERSUS

SUDHEER MOHAN & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.112927/2022-EXEMPTION FROM FILING O.T.)

Date : 29-08-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Gaurav Agarwal, Adv.
Mr. Shristi Gupta, Adv.
Mr. Sanjeet Paliwal, Adv.
Mr. S.K. Garg, Adv.
Mr. Shashank Singh, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel appearing on behalf of the petitioners has vehemently submitted that the High Court has dismissed the writ petition under Article 227 of the Constitution of the India as not maintainable in view of remedy available under Section 115 of the Code of Civil Procedure, 1908 (CPC). It is submitted that there is a clear distinction between entertainability and maintainability. It is submitted that in a given case the petition under Article 227 may not be entertained but by no stretch of imagination it can be said

contd..

that the writ petition under Article 227 of the Constitution of the India against the order passed by the Subordinate Court shall not be maintainable at all. Even otherwise, the High Court ought to have converted the writ petition into the revision under Section 115 of the CPC and thereafter ought to have considered the same.

Issue notice returnable on 27.09.2022.

Dasti, in addition, is permitted.

The respondents be served within a period of one week from today.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR