

State of Punjab

Vs

Banarsi Das Kewal Krishan Kirpal Singh

Civil Appeal No. 1876 of 1970

(D. A. Desai, A. Varadarajan, O. Chinnappa Reddy JJ)

29.09.1983

ORDER

1. The Judgment under appeal shows that the High Court while allowing the writ petition of the respondent followed its earlier decision in M/s Dial Chand Gian and Co. v. State of Punjab (Civil Writ No. 996 of 1969) and allowed the writ petition of the present respondent to the same extent to which the earlier petition was allowed in part. The State of Punjab preferred Civil Appeal No. 1979 of 1970 against the decision of the High Court in the aforementioned judgment, which was allowed by this Court as per the judgment dated April 22, 1983 and the writ petition was dismissed with costs throughout. The same consequence must ensue in this appeal.

2. In fact, as the judgment which the High Court followed in allowing the writ petition of the present respondent is set aside by this Court, and this point is raised in this appeal, Registry ought to have placed both appeals together for hearing. The point raised herein is wholly covered by the decision of this Court in State of Punjab v. Dial Chand Gian Chand and Co. ((1983) 2 SCC 503 : AIR 1983 SC 743) and the attempt to distinguish it is futile.

3. Accordingly following the earlier decision of this Court this appeal is allowed and the judgment of the High Court is quashed and set aside and the writ petition filed by the respondent in the High Court is dismissed with costs throughout.

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