

CASE NO.:
Appeal (civil) 1283 of 2008

PETITIONER:
JAM SINGH

RESPONDENT:
STATE OF M.P. AND ORS

DATE OF JUDGMENT: 11/02/2008

BENCH:
TARUN CHATTERJEE & HARJIT SINGH BEDI

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO.1283 OF 2008
[Arising out of SLP [C] No.15829 of 2006]

1. Delay condoned.
2. Leave granted.
3. This special leave petition, in which leave has already been granted, has been filed against the final judgment and order dated 15th February, 2005 in Writ Petition [C] No.4723 of 2003 by the High Court of Madhya Pradesh Bench at Indore.
4. In view of the recent enactment of the Madhya Pradesh Uchcha Nayayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005, the learned counsel for the appellant submitted that permission may be granted to the appellant to withdraw the present petition and to pursue his remedy by way of Letters Patent Appeal.
5. In view of the recent enactment of the Madhya Pradesh Uchcha Nayayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005, which confers power on the High Court to entertain the LPA against an order of the learned Single Judge, we set aside the impugned order and grant liberty to the appellant to file a LPA before the Division Bench of the High Court with an application for condonation which shall be allowed by the Division Bench of the High Court. The High Court shall thereafter decide the LPA after hearing the parties in accordance with law.
6. The appeal is disposed of accordingly.