

Smt. Nanda Kumari Vs. State of H.P. and others

Execution Petition No.242 of 2021

10.03.2022 Present: Ms. Babita Chauhan, Advocate, vice Mr. A.K. Gupta, Advocate, for the petitioner.

Mr. Sumesh Raj, Mr. Dinesh Thakur, Mr. Sanjeev Sood, Additional Advocates General, with Mr. Manoj Bagga, Assistant Advocate General, for the respondents-State.

When this case was taken up for consideration, learned Additional Advocate General submits that a perusal of the order passed by the learned Tribunal, execution of which is being sought by way of this petition, would demonstrate that the direction passed therein was to consider the case of the petitioner in the light of the judgment which stood passed by the Hon'ble Single Bench of this Court in CWP No.5799 of 2014, titled as Budh Bahadur Versus the State of H.P. & others, decided on 02.04.2015, if the same had attained finality.

Learned Additional Advocate General submits that the Letter Patent Appeal filed against the judgment in Budh Bahadur's case (supra) is still pending adjudication before the Hon'ble Division

Bench of this Court.

Learned counsel for the petitioner submits that the respondent/state is unnecessarily lingering on with the matter. She states that earlier Letter Patent Appeal filed against the judgment of the Hon'ble Single Bench of this Court in Budh Bahadur's case was withdrawn by the State. Thereafter, they filed a Review Petition which was dismissed. Now, again a Letter Patent Appeal is preferred by the State in which no stay is granted.

Be that as it may, as prayed for by learned Additional Advocate General, the matter is ordered to be listed on **02.04.2022**, enable him to place on record the orders which were passed by the Hon'ble Division Bench of the Court in the earlier Letter Patent Appeal filed by the State as also the orders which have been passed in the Review Petition. It goes without saying that in case in the present Letter Patent Appeal, the operation of the judgment of the Budh Bahadur's case has not been stayed by

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the Hon'ble Division Bench, then its natural corollary is that the judgment passed by the learned Singh Bench is in force.

List on **02.04.2022**, as prayed for.

(Ajay Mohan Goel)
Judge

March 10, 2022
(Rishi)