

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No. 33301/2023
(Arising out of impugned final judgment and order dated 25-01-2023
in DBSAW No. 849/2022 passed by the High Court of Judicature for
Rajasthan at Jodhpur)

SURENDRA KUMAR BORDIA

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

(IA No.211667/2023-CONDONATION OF DELAY IN FILING and IA
No.211665/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
and IA No.211666/2023-EXEMPTION FROM FILING O.T. and IA
No.211668/2023-CONDONATION OF DELAY IN REFILING / CURING THE
DEFECTS and IA No.211664/2023-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 24-11-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Ronak Karanpuria, AOR
Mr. Gobind Kumar, Adv.
Mr. Nanveet Kumar, Adv.
Mr. Parteek Kumar, Adv.
Mr. Jai Wadhwa, Adv.

For Respondent(s)

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

Delay condoned.

Challenging the order dated 25.01.2023 in DB Spl.Appl.

Writ No. 849 of 2022 passed by the High Court of Judicature
for Rajasthan, which affirmed the order dated 05.07.2022 of
the learned Single Judge in S.B. Civil Writ Petition No. 923 of

2020 refusing to implead the petitioner in S.B. Civil Writ Petition No. 923 of 2020, the petitioner has filed this special leave petition. The record disclose that the writ petition has been finally disposed of by the Single Judge on 04.04.2023.

In our view, the order passed by the learned Single Judge finally disposing of the writ petition can be assailed by him before the Division Bench by filing special appeal. Therefore, we dispose of this special leave petition with an observation that on filing the special Appeal before the Division Bench, the petitioner may ask for leave to appeal by moving appropriate application. While deciding such an application, the Division Bench shall not be influenced by the order dated 25.01.2023 passed in DB Spl.Appl. Writ No. 849 of 2022 and the order dated 05.07.2022 passed by the learned Single Judge in S.B. Civil Writ Petition No. 923 of 2020, and shall decide the application seeking leave to file special appeal independently.

With the aforesaid observations, this special leave petition stands disposed of. Pending applications stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER