

ITEM NO.8 Court 11 (Video Conferencing) SECTION IV-C

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

Petition(s) for Special Leave to Appeal (C) No(s). 4127/2021

(Arising out of impugned final judgment and order dated 06-11-2020 in WP No. 8361/2020 passed by the High Court of M.P at Gwalior)

MEHRA BAL CHIKITSALAYA EVAM NAVJAT Petitioner(s)
SHISHU I.C.U.

VERSUS

MANOJ UPADHYAY & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.34704/2021-EXEMPTION FROM FILING O.T.)

Date : 12-03-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Vaibhav Agnihotri, Adv.
Mr. Dhruv Chawla, Adv.
Mr. Gaurav Vaid, Adv.
Ms. Niharika Ahluwalia, AOR

For Respondent(s)

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

We have heard learned counsel for the petitioner.

The High Court after having held the writ petition to be maintainable has dismissed the Writ Petition on merits. Despite the attention of the High Court having been drawn to *Cicily Kallarackal vs. Vehicle Factory*, (2012) 8 SCC 524 without even dealing with or discussing the judgment and the reason for its inapplicability, the High Court has chosen to rely upon decision of Single Judge of

Orissa High Court and the Division Bench of the High Court of Andhra Pradesh at Hyderabad to hold that the writ petition was maintainable.

We are of the considered opinion that the writ petition itself was not maintainable in view of *Cicily* (supra). The Special Leave Petition is dismissed.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)