

LPA-1-2026 (O&M)

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2026:PHHC:000145-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(102)

LPA-1-2026 (O&M)

Date of Decision: - 05.01.2026

Ram Diya Attri

....Appellant

Versus

Union of India and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE VIKAS BAHL
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present:- Appellant in person.

Ms. Puneeta Sethi, Additional Advocate General, Haryana.

Mr. Sudhir Nar, Advocate,
for respondents No.1, 3 and 4. (Through VC).

Mr. Abhinav Sood, Additional Standing Counsel,
UT Chandigarh (Through VC),
Mr. Nitesh Jhahria, Advocate, and
Mr. Akshay Sharma, Advocate, for respondent No.7.

VIKAS BAHL, J. (ORAL)

1. Present Letters Patent Appeal has been filed under Clause X of Letters Patent Act with the prayer to set aside the order dated 29.12.2025 passed by the learned Single Bench whereby the civil misc. application bearing CM-19685-2025 in CWP-38818-2025 has been dismissed.

2. Present appeal has been filed against the order dated 29.12.2025, which is reproduced as under: -

*“CM-19685-CWP-2025 in
CWP-38818-2025*



RAM DIYA ATTRI V/S UNION OF INDIA AND OTHERS

Present: - Applicant-petitioner in person.

*Mr. Sudhir Nar, Sr. Panel Counsel, Union of India,
for respondent No.1, 3 and 4.*

The writ petition has been filed by the applicant-petitioner through Sh. A.S. Cheema, Advocate and the instant application has been filed by the applicant-petitioner in person for preponement of date of hearing of the main case, which is slated for 09.01.2026.

No ground to prepone the date of hearing of the main case is made out.

Dismissed.

29.12.2025”

A perusal of the above order would show that the main writ petition was listed for 09.01.2026 and was filed through Mr. Arshdeep Singh Cheema, Advocate and the petitioner in person had moved an application for preponement during vacations and the learned Single Judge (Vacation Judge) had found no ground to prepone the date of hearing of the main case and accordingly, had dismissed the said application. It is against the said order dated 29.12.2025 that the present Letters Patent Appeal has been filed.

3. The present Letters Patent Appeal in our considered view is not maintainable.

4. The Hon'ble Supreme Court in the case of “**Midnapore Peoples' Coop. Bank Ltd. Vs. Chunilal Nanda and others**”, reported as **(2006) 5 Supreme Court Cases 399**, had in para 15 taken note of interim orders/interlocutory orders which are passed during the pendency of a



case and had broadly put them in five categories. Paras 15 and 16 of the said judgment which are relevant are reproduced as under: -

“15. Interim orders/interlocutory orders passed during the pendency of a case, fall under one or the other of the following categories:

(i) Orders which finally decide a question or issue in controversy in the main case.

(ii) Orders which finally decide an issue which materially and directly affects the final decision in the main case.

(iii) Orders which finally decide a collateral issue or question which is not the subject matter of the main case.

(iv) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.

(v) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties.

16. The term 'judgment' occurring in clause 15 of the Letters Patent will take into its fold not only the judgments as defined in Section 2(9) CPC and orders enumerated in Order 43 Rule 1 CPC, but also other orders which, though may not finally and conclusively determine the rights of parties with regard to all or any matters in controversy, may have finality in regard to some collateral matter, which will affect the vital and valuable rights and obligations of the parties. Interlocutory orders which fall under categories (i) to (iii) above, are, therefore, 'judgments' for the purpose of filing appeals under the Letters Patent. On the other hand, orders falling under categories (iv) and (v) are not 'judgments' for purpose of filing appeals provided under the Letters Patent.”

It was observed by the Hon'ble Supreme Court that LPA against cases falling under categories (iv) and (v) would not be maintainable, although the orders falling under categories (i), (ii) and (iii) can be challenged in appeal by filing Letters Patent Appeal. In the present case, it cannot even remotely be said that the order passed by the learned



Single Judge would fall under categories (i), (ii) and (iii) against which LPA is maintainable and at best would fall under category (v), against which it has been held that no LPA is maintainable.

5. The Hon'ble Supreme Court in the case of "**Shyam Sel and Power Limited and another Vs. Shyam Steel Industries Limited, passed in Civil Appeal No.1984 of 2022 (arising out of SLP(C) No.4080 of 2022)**", had observed that in case a very liberal view is taken in entertaining LPAs, then, it would open a floodgate of appeals for parties who may even start challenging orders of adjournment or orders granting time to the other side to file reply. In the said case, the Hon'ble Supreme Court had further observed that the order of the learned Single Judge vide which the learned Single Judge had granted time to the appellants to file affidavit in opposition and had directed to post the matter after three weeks and thus, had postponed the issue for grant of ad interim injunction had caused some inconvenience to the party and to some extent had even prejudiced the plaintiff but the same could not be considered to be a judgment by which any conclusive finding had been given and thus, the Letters Patent Appeal against the same was held to be not maintainable. It was further observed that it was high time that the Courts take note of frivolous appeals being filed against unappealable orders, wasting precious judicial time, as the courts in India are already overburdened with huge pendency and such unwarranted proceedings at the behest of the parties who could afford to bear the expenses of such litigations, must be discouraged and accordingly, in the said case, cost was also imposed



on the respondent/plaintiff therein who had filed the un-maintainable Letters Patent Appeal before the Division Bench against the interim order/interlocutory order passed by the learned Single Judge. In both the cases before the Hon'ble Supreme Court i.e. ***Midnapore Peoples' Coop. Bank Ltd. (supra) and Shyam Sel and Power Limited and another (supra)***, the orders which were impugned, had been passed by the High Court of Calcutta and the provision considered by the Hon'ble Supreme Court was Clause 15 of the Letters Patent under which the Letters Patent Appeals are filed in the Calcutta High Court. The said provision is *pari materia* with the provision of Clause 10 of the Letters Patent which is applicable to the High Court of Punjab and Haryana.

6. Further, a Division Bench of this Court in the ***judgment dated 05.12.2022 passed in LPA-323 of 2021*** titled as “***Punjab Water Supply and Sewerage Board Vs. Gurdeesh Pal Singh and others***”, had relied upon the above-said two judgments of the Hon'ble Supreme Court while making observations with respect to the maintainability of LPA against an interim/interlocutory order. In the present case, entertainment of the present Letters Patent Appeal would open a floodgate of filing of LPAs even against orders passed by the learned Single Judge refusing to prepone the case or in matters where adjournments for a slightly longer date have been given, although there is no adjudication on any issue/collateral issue.

7. Additionally, it would be relevant to note that the writ petition was for the first time listed on 23.12.2025, which order has not



been annexed along with the present appeal, but the said order is available on the High Court website and is reproduced as under: -

“CWP-38818-2025

RAM DIYA ATTRI V/S UNION OF INDIA AND OTHERS

*Present: Mr. R.S. Cheema, Senior Advocate with
Mr. A.S. Cheema, Advocate and
Mr. Ishan Kheterpal, Advocate
for the petitioner.*

*Mr. Sudhir Nar, Senior Panel Counsel – UOI
for respondents No.1, 3 and 4.*

Mr. Deepak Vashisth, DAG, Haryana.

*Mr. Abhinav Sood, Advocate,
Mr. Nitesh Jhajhria, Advocate and
Mr. Ujval Mittal, Advocate
for respondent No.7.*

On request, list on 09.01.2026.

23.12.2025”

A perusal of the above would show that the order was passed in the presence of counsel for the petitioner and even notice of motion has not been been issued in the case and all the respondents have not been served/appeared. An application for preponement was filed by the petitioner in person and a perusal of the said application would show that it is the own case of the applicant/petitioner that he has been representing since 14.11.2025 and thus, it is apparent that the petitioner was aware of the issue in question on 14.11.2025, whereas, the writ petition was got listed for the first time on 23.12.2025. The winter break is till 07.01.2026 and the Courts are reopening after the winter break on 08.01.2026 and the



writ petition is listed for 09.01.2026. In the said circumstances, it would not even be appropriate to entertain the present Letters Patent Appeal on merits. The application for preponement had been filed by the petitioner in person in the vacations and the said application has been rightly dismissed by the learned Single Judge.

8. Keeping in view the above-said facts and circumstances, the present Letters Patent Appeal is neither maintainable nor meritorious and is thus dismissed and the order of the learned Single Judge is in accordance with law and is accordingly upheld.

(VIKAS BAHL)
JUDGE

(RAMESH KUMARI)
JUDGE

January 05, 2026

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Whether reasoned/speaking?	Yes
Whether reportable?	Yes