

PREM CHANDRA AGARWAL & ANR.

v.

U.P. FINANCIAL CORPN. & ORS.

(Civil Appeal No. 2769 of 2009)

APRIL 23, 2009

[MARKANDEY KATJU AND H.L. DATTU, JJ.]

INTERIM ORDER:

Appeal challenging interim order passed by High Court – Subsequently final judgment delivered by High Court – HELD: Once a final order is passed, all earlier interim orders merge into the final order, and the interim orders cease to exist – In view of the final order passed by the High Court, the interim order under appeal and any direction therein have ceased to exist – Appeal has become infructuous and is, accordingly dismissed.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2769 of 2009.

From the Judgment and Order dated 23.10.2008 of the High Court of Judicature at Allahabad in Civil Misc. Writ Petition No. 40656 of 2007.

WITH

Contempt Petition (C) No. 164 of 2008.

Vijay Hansaria, Ravi Mehrotra, R.K. Singh (for Dharmendra Kumar Sinha) for the Appellant.

Shrish Kumar Misra for the Respondent.

The following Order of the Court was delivered

A **ORDER**

Civil Appeal No. 2769 of 2009 (@ S.L.P.(C) NO. 15019 / 2008:

1. Leave granted.

B 2. This appeal has been filed against the interim order dated 24.4.2004 passed by the High Court of Allahabad in Civil Misc. Writ Petition No. 40656 of 2007.

C 3. Mr. Vijay Hansaria, learned senior counsel appearing for the appellants submits that subsequently final judgment has been passed by the High Court on 25.8.2008 in the writ petition.

D 4. It is a well-settled principle that once a final order is passed, all earlier interim orders merge into the final order, and the interim orders cease to exist.

E 5. In this appeal, since the final order has been passed by the High Court, obviously all interim orders passed by the High court in the same writ petition cease to exist automatically. Consequently, any direction given in the interim order dated 24.4.2004 also ceases to exist.

F 6. In view of the final order passed by the High Court, the impugned interim order and any direction therein have ceased to exist. The appeal has become infructuous and is, accordingly, dismissed.

Contempt Petition (C) No. 164 of 008 in SL P(C) 15019 / 2008:

G 7. In view of the aforesaid decision, Contempt Petition is dismissed.

R.P.

Appeal dismissed.