



2026:AHC-LKO:3003-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 27 of 2026

The Chairman Of Uttar Pradesh Power Corporation Limited
Lucknow And 2 Others

.....Appellant(s)

Versus

Mohd. Fareed And Another

.....Respondent(s)

Counsel for Appellant(s)	:	Manish Jauhari
Counsel for Respondent(s)	:	Shishir Pradhan, C.S.C.

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

(Order on C.M. Application (IA) No. 02 of 2026)

1. Heard.
2. There is a delay of only 05 days in filing the instant appeal.
3. Counsel for the respondents do not have any objection to the application for condonation of delay.
4. We have gone through the affidavit filed in support of application for condonation of delay and find that the reasons mentioned therein are sufficient.
5. Accordingly, we **condone** the delay. Application is **allowed**.
6. Let a regular number be allotted to the appeal.

(Order on Appeal)

1. Heard Shri Manish Jauhari, learned counsel appearing for the appellants as well as Shri Shishir Pradhan, learned counsel representing the private respondent and learned counsel appearing for the State respondent(s).
2. This Special Appeal has been filed by the appellants under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 challenging the Judgment and order dated 03.12.2025 passed by the learned Single Judge in Writ-A No. 8326 of 2025 (Mohd. Fareed vs. State of U.P. and others).

3. We have perused the impugned order. The order impugned is purely of interlocutory nature, which does not decide any issue, therefore, it does not qualify as a judgment or final order in terms of the decision of the Hon'ble Supreme Court in ***Shah Babulal Khimji vs. Jayaben D. Kania and another*** reported in **1981 (4) SCC 8** for the purposes of maintainability of Special Appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952.

4. Accordingly, the appeal is **dismissed** with liberty to the appellants to raise all relevant pleas before the Writ Court where the writ petition is pending.

January 14, 2026
Praveen

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)