



2026:AHC-LKO:8155-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 1 of 2020

Amit Kumar Gupta And Ors.

.....Appellant(s)

Versus

State Of U.P.Throu.Addl.Chief Secy.Deptt.Of Home
Lko.And Ors.

.....Respondent(s)

Counsel for Appellant(s) : Birendra Pratap Singh, Sameer Kalia
Counsel for Respondent(s) : C.S.C.

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE SUBHASH VIDYARTHI, J.**

(Order on I.A. No.15 of 2025- Application for Condonation of Delay)

1. Vakalatnama filed by Shri Amit Kumar Singh Bhadauriya, Advocate appearing on behalf of the appellant is taken on record.
2. Heard Shri Sudeep Seth, learned Senior Advocate assisted by Shri Birendra Pratap Singh and Shri Amit Kumar Singh Bhadauriya, the learned counsel for the appellants and Shri Vikram Raghuvanshi, the learned Standing counsel for the State.
3. This is an application seeking condonation of delay in filing the modification application against the order dated 28.01.2023 which is supported with an affidavit.
4. The learned Standing Counsel has no objection on the application for modification of judgment and order dated 28.01.2023
5. We have gone through the affidavit filed in support of the application for condonation of delay. The explanations offered and the cause shown are satisfactory and sufficient.
6. The application for condonation of delay is **allowed**. The delay in filing the modification application against the order dated 28.01.2023 is hereby condoned.

(Order on I.A. No.16 of 2025- Application for modification)

1. Heard.

2. After hearing the parties and perusing the record, we find that the judgment impugned in special appeal, is a common judgment. Several writ petitions including Writ Petition No.14066 (S/S) of 2019 were decided by it. While challenging the judgment, petitioners of all the writ petitions joined together and became appellants herein. An application was filed along with the appeal for permitting the appellants to prefer a single appeal against the common judgment passed in several writ petitions. It is informed that pleadings had been exchanged only in Writ Petition No.14066 (S/S) of 2019 therefore, this procedure was adopted by the appellants on their own or on the advice, as the case may be.

3. When the appeal came to be allowed, the judgment was quashed qua Writ Petition No.14066 (S/S) of 2019 and not as was applicable with regard to the connected/other writ petitions. After allowing the appeal, matter was remanded back for a decision afresh by the writ court.

4. The matter was heard by the writ court and ultimately when the judgment was pronounced, it was pronounced only in one of the writ petitions i.e. in Writ Petition No.14066 (S/S) of 2019. As regards other writ petitions, they were de-linked from the bunch.

5. The contention of Shri Sudeep Seth, the learned Senior Advocate assisted by Shri Birendra Pratap Singh and Shri Amit Kumar Singh Bhadauriya, the learned counsel for the appellants is that the de-linking took place on the premise that the judgment in special appeal was only in respect of one of the writ petitions referred herein above and not all the writ petitions and no appeal was preferred against the judgment as applicable to the connected writ petitions. Hence, this application seeking modification.

6. The contention is that judgment passed in the appeal on 28.01.2023 be reviewed/clarified/modified to the effect that it should be made applicable to all the appellants who were petitioners in the other writ petitions.

7. Having heard the learned counsel for the parties including the Standing Counsel, we find ourselves unable to accept this contention. The practice and procedure settled in this Court is that if there are several writ petitions which are decided by a common judgment then if a challenge is to be raised by way of an intra-court appeal, separate appeals have to be filed under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952. There is no such provisions in the Rules of 1952 which permits filing of a single appeal in respect of all the petitioners of all the writ petitions which may have been decided by a common judgment. This may also lead to several practical difficulties based on the array of parties in separate writ petitions as also

pleadings etc. Moreover, in this case, though an application for permitting filing of a single appeal was filed but the same was never considered. No such rule or law has been shown under which such an application could have been preferred. While we appreciate and empathize with the predicament being faced by the appellants herein, we are unable to review our judgment and make it applicable to all the appellants of the writ petitions which were decided by a common judgment dated 27.11.2019. The joining of the other writ petitioners as appellants in this appeal itself was impermissible. Nevertheless, we are of the opinion that to balance the equities and to prevent a situation of irreparable loss to the appellants, it needs to be clarified that the appeal i.e. Special Appeal No.1 of 2020 and judgment dated 28.01.2023 passed herein, review/modification of which has been sought, shall be treated as an appeal and judgment which has only been passed in respect of the petitioners of Writ Petition No.14066 of 2019, irrespective of the fact that there were other appellants also who were not petitioners in the said petition but were petitioners in the connected matters, with liberty, as far as otherwise permissible in law, to the remaining appellants i.e. those who were not petitioners in Writ Petition No.14066 (S/S) of 2019, to prefer separate appeals against judgment of the writ court dated 27.11.2019 qua their writ petitions.

8. With this clarification, we **dispose off** the application.

February 3, 2026

-Amit K-

(Subhash Vidyarthi,J.) (Rajan Roy,J.)