Baddula Lakshmaiah & Others vs Sri Anjaneya Swami Temple & Others on 20 February, 1996

Equivalent citations: 1996 SCC (3) 52, JT 1996 (3) 198, AIRONLINE 1996 SC 1081

Author: M.M. Punchhi

Bench: M.M. Punchhi, S.C. Sen

PETITIONER:
BADDULA LAKSHMAIAH & OTHERS

Vs.

RESPONDENT:
SRI ANJANEYA SWAMI TEMPLE & OTHERS

DATE OF JUDGMENT: 20/02/1996

BENCH:
PUNCHHI, M.M.
BENCH:
PUNCHHI, M.M.
SEN, S.C. (J)

CITATION:
1996 SCC (3) 52 JT 1996 (3) 198
1996 SCALE (2)409

ACT:

HEADNOTE:

JUDGMENT:

O R D E R Title to 29 acres of agricultural land, its possession and recovery of mense profits, was sought by the respondent- temple from the appellants. The trial court dismissed the suit. A learned Single Judge of the High Court, in appeal, in re-appraising the evidence adduced, prominently paid attention to two documents containing certain recitals, which partly supported the case of the plaintiff-temple respondent and partly that of the defendants-appellants. Reading them together, the learned Single Judge aimed to reconcile the entries instead of holding them as inconsistent. He

made an attempt to gather the predominant intention of the concerned authorities while preparing those documents, by looking at both of them integrally. The dispute plainly was whether the grant made in favour of the Archaka was meant to be conferred on him personally or on the temple through the Archaka. The trial court, as also the learned Single Judge held that the grant was personal to the Archaka and thus the alienations made by him thereafter were in order. The result thereof was that the decision of the trial court dismissing the suit was upheld by the learned Single Judge. Further bout fought by the temple-respondent before the Letters Patent Bench of the High Court bore results inasmuch as the Bench, on fresh reconciliation of those two documents, bearing in mind the other surrounding circumstances, came to the view that the grant was intended to be in favour of the temple and not to the Archaka personally.

Mr. Ram Kumar, learned counsel for the appellants, inter alia contends that the Letters Patent Bench of the High Court could not have upset a finding of fact recorded by a learned Single Judge on fresh reconciliation of the two documents, arriving at different results than those arrived at earlier by the two courts aforementioned. Though the argument sounds attractive, it does not bear scrutiny. Against the orders of the trial court, first appeal lay before the High Court, both on facts as well as law. It is the internal working of the High Court which splits it into different 'Benches' and yet the court remains one. A Letters Patent Appeal, as permitted under the Letters Patent, is normally an intra-court appeal whereunder the Letters Patent Bench, sitting as a Court of Correction. corrects its own orders in exercise of the same jurisdiction as was vested in the Single Bench. Such is not an appeal against an order of a subordinate Court. In such appellate jurisdiction the High Court exercises the powers of a Court of Error. So understood, the appellate power under the Letters Patent is quite distinct, in contrast to what is ordinarily understood in procedural language. That apart the construction of the aforementioned two documents involved, in the very nature of their import, a mixed question of law and fact, well within the posers of the Letters Patent Bench to decide. The Bench was not powerless in that regard.

We are therefore of the view that the Letters Patent Bench committed no error in re-doing the exercise to reconcile those two questioned documents so as to get to the result in favour of the temple-respondent. Except for the point afore dealt with. no other point has been raised by learned counsel.

For the foregoing reasons, this appeal fails and is hereby dismissed. No costs.