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BADDULA LAKSHMAIAH AND ORS.

v.

SRI ANJANEYA SWAMI TEMPLE AND ORS.

FEBRUARY 20, 1996

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[M.M. PUNCHHI AND S.C. SEN, JJ.]

Letters Patent Appeal :

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Grant of land made on Archaka—Whether meant to be conferred on him personally or on the temple through the Archaka—Trial Court and Single Judge of High Court held that the grant was personal to the Archaka and so the alienations made by him were in order—Letters Patent Appeal—Interference by the Bench and setting aside the orders of the Courts below—Held, a Letters Patent Appeal is normally an intra-court appeal—The Letters Patent Bench sitting as Court of Correction—Corrects its own orders in exercise of the same jurisdiction as was vested in the Single Judge—In such appellate jurisdiction the High Court exercises the powers of a Court of error.

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4090 of 1984.

From the Judgment and Order dated 5.3.82 of the Andhra Pradesh High Court in L.P.A. No. 230 of 1977.

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K. Ram Kumar for the Appellants.

B. Kanta Rao for the Respondents.

The following Order of the Court was delivered :

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Title to 29 acres of agricultural land, its possession and recovery of mesne 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

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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 result 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 afore-mentioned. 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 for 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 afore-mentioned two documents involved, in the very nature of their import, a mixed question of law and fact, well within the powers 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

A 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.

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Appeal dismissed.