

(2018) 04 P&H CK 0183
In the Punjab And Haryana At Chandigarh
Case No : CWP No.8544 of 2018

Parminder Kaur

APPELLANT

Vs

Financial Commissioner, Punjab Government, Rural
Development and Panchayat Department, Chandigarh and
others

RESPONDENT

Date of Decision : 05-04-2018

Acts Referred:

Citation : (2018) 04 P&H CK 0183

Hon'ble Judges : Daya Chaudhary, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

DAYA CHAUDHARY, J. (Oral)

The petitioner is aggrieved by order dated 15.03.2018 (Annexure P-5) passed by respondent No.1, whereby the application of the petitioner for interim stay has been dismissed, whereas the appeal is still pending.

Learned counsel for the petitioner has relied upon judgments passed by this Court in cases Bharat Ram Sarpanch Vs. State of Haryana and another

2008 (9) R.C.R. (Civil) 141 (DB), Tejinder Singh Vs. State of Punjab 2006 (3) R.C.R. (Civil) 309 (DB), Kaki Devi Sarpanch Vs. State of Punjab

and others 2010 (4) R.C.R. (Civil) 317 and judgment of Madhya Pradesh High Court in case Amritlal Jaiswal Vs. State of M. P. and others

2008(58) R.C.R. (Civil) 479.

On perusal of order dated 15.03.2018 (Annexure P-5), it shows that no reason has been mentioned as neither the merits of the case have been

discussed nor any other finding has been recorded. Only it has been mentioned

that during the course of the arguments, the appellant could not produce/raise any cogent arguable point and hence balance of convenience is not in favour of the appellant regarding stay and application has been dismissed.

Admittedly, the appeal is pending for hearing on 26.04.2018. On perusal of order passed in the application, it shows that the ingredients which are necessary for grant of interim order or dismissal of the application has not been discussed at all. Simply by mentioning that no arguable points have been raised by the appellant, appellant has not been granted the stay and the application for interim order has been dismissed.

Moreover, in such a situation when the appeal is pending for final hearing for 26.04.2018, it would be in the interest of justice that the appellate authority is directed to hear the pending appeal on the next date of hearing i.e. 26.04.2018 itself. In case for any sufficient reason, the appeal is not going to be heard on that date, then it should be heard within a period not more than 15 days thereafter.

Meanwhile, impugned order dated 02.02.2018 (Annexure P-3) shall remain stayed.

Disposed of.