

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR No.3108 of 2015 (O&M).
Decided on:-12.5.2015.

State of Punjab through Land Acquisition Collector, Urban Estate, SAS
Nagar.Petitioner.

Versus

Sumit Kumar and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Argued by:- Mr. Rahul Verma, AAG, Punjab
for the petitioner.

Dr. Bharat Bhushan Parsoon, J.

State of Punjab, petitioner herein, has directed this revision petition against order dated 3.1.2015 (Annexure P1) whereby the application filed by the petitioner for staying the proceedings of the execution application as also for adjourning the matter sine die till disposal of the Regular First Appeal (for short, the RFA), in terms of the order dated 05.03.2014 in RFA No.2062 of 2014 and order dated 22.04.2013 in RFA No.2615 of 2013 has been dismissed.

2. Counsel for the petitioner-State states that in the RFA filed in this Court, out of which this revision has arisen, stay application has also been filed but no stay has been granted by this Court.

3. When there is a conceded position that no stay has been granted by this Court in the RFA pending before this Court and the stay application is also pending, the lower court has rightly rejected the application of the State for stay of execution proceedings and for adjourning the case sine die till disposal of the RFA in this Court. When RFA is pending before this Court and no stay has been granted to the petitioner-State, no ground for staying the execution proceedings is made out. In fact, the proper remedy available with the State was to press for the stay in the pending RFA but instead of choosing an appropriate forum, the State has filed the application before the lower court for stay of execution proceedings and for adjourning the case sine die.

4. Keeping in view the facts and circumstances as discussed hereinabove, there is no merit in this revision petition and the same is, consequently, dismissed.

5. However, it is made clear that the petitioner-State may press for stay in the pending RFA, if so advised.

May 12, 2015
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(Dr. Bharat Bhushan Parsoon)
Judge

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?