

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.36 of 2015

Date of Decision: 6.1.2015

Anchal Singh

..... Petitioner

Versus

Financial Commissioner Appeals-II, Punjab & Others Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:Mr.Ajay Pal Singh Rehan, Advocate for the petitioner

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

Having read the three orders, in the first of which was passed by the Financial Commissioner (Appeals-II) (for short “the Revisional Authority”) on 3.7.2014, the orders of the lower courts were stayed till the next date of hearing and the records of the lower courts were also summoned by the Revisional Authority while issuing notice to the respondents. Thereafter, the Revisional Authority did not hold court on 28.8.2014 and on 11.12.2014, the case could not be taken up for hearing due to shortage of court time as is recorded in the last orders. Left without the protection of the stay order, the petitioner made an application in ROR No.361 of 2014 dated 23.12.2014 praying for extension of the stay order pending revision. That application has also been posted for hearing with the main case on 2.4.2014.

The petitioner has approached this Court for protection in the absence of continuation of the stay order which operated till 28.8.2014 by virtue of the order dated 3.7.2014. In the circumstances, where once the Revisional authority has granted stay orders which are under revision, interest of justice would be served if the operation of the order dated 3.7.2014 is extended till the

date when the stay matter is heard either on 2.7.2014 or any date thereafter. To pass this order, it would not be necessary to issue notice to respondents no.3 and 4 or to the State which cannot be seen as a person interested in the outcome of the Lumberdari proceedings. However, respondents no.3 and 4 will remain at liberty to move for vacation of stay, even prior to the date fixed by the Revisional Authority. In such event, the Financial Commissioner (Appeals-II) would be at liberty to decide the stay matter or the main revision itself prior to the date fixed.

With the above directions, this petition is disposed of.

Copy of the order be given dasti under the signature of Bench Secretary of this Court.

6.1.2015
MFK

(RAJIV NARAIN RAINA)
JUDGE