

255

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

CRM-M-2842 of 2011 (O&M)

Date of decision: September 20, 2016

Mohitmim Arjun Muni Chela Gurmukh Dass

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. J.S. Brar, Advocate for the petitioner.

Mr. K.S. Sidhu, AAG Punjab.

Mr. Abhinav Jain, Advocate and

Mr. A.A. Pathak, Advocate for respondent No.5.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In the present petition, the orders of appointment of receiver over the suit property pending under Section 145 Cr. P.C. proceedings inter-alia, have been challenged.

This Court had issued stay orders in relation to the pending proceedings under Section 145 Cr. P.C. before the SDM and also stayed the order of appointment of receiver and as earlier stated, the proceedings under Section 145 Cr. P.C. also. The result was that proceedings under Section 145 Cr. P.C. could not be proceeded and have not been decided.

It is not in dispute that in the same subject matter of suit properties and rights of the parties in relation to the suit properties, a civil suit is pending before the civil Court bearing civil suit No.424 dated 29.10.2008.

The counsel for the parties state that the civil suit has been

completely tried and is likely to be decided within a short-time because the same is now fixed for arguments.

The proceedings under Section 145 Cr. P.C. are of summary nature in which no rights of the parties much less civil rights are decided which would bind in all the parties. Civil Court had decided the rights of the parties according to law. The proceedings under Section 145 Cr. P.C. being of summary nature and in view of the fact that the proceedings under Section 145 Cr. P.C. have not been decided due to the stay order issued by this Court, the present petition will have to be disposed of with a liberty to both the parties to take up their such remedies as available in law in the pending civil suit including the appointment of receiver which is the order under challenge.

Disposed of accordingly.

Respondents are given the liberty to apply the pending civil suit for appointment of receiver or as the case may be and if such application is made for appointment of receiver, the trial Court shall decide the same as expeditiously as possible within 4 weeks from the date of its filing. The impugned order of appointment of receiver shall remain suspended for a period of 4 weeks only. Thereafter, it shall automatically stand vacated since the trial Court would decide the issue of appointment of receiver or otherwise.

(A.B. CHAUDHARI)
JUDGE

September 20, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No