

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.26468 of 2016

ORDER:

Heard Sri G.V.S.Mehar Kumar for petitioner and Sri P.Durga Prasad for 3rd respondent.

Earlier, the petitioner herein filed W.P.No.32140 of 2014 before this Court. On 28.10.2014 in W.P.M.P.No.40183 of 2014 in W.P.No.32140 of 2014 this Court granted stay of all further proceedings in Dispute No.21 of 2014.

The 3rd respondent filed I.A.No.7 of 2016 in Dispute No.21 of 2014. The 2nd respondent without properly appreciating the effect of order of this Court dated 28.10.2014 in W.P.M.P.No.40183 of 2014 allowed the prayer in I.A.No.7 of 2016 vide order dated 05.05.2016. Hence, the writ petition.

Prima facie, this Court is of the view that once this Court granted stay of all further proceedings in Dispute No.21 of 2014, entertaining an application for the same dispute and allowing the prayer in I.A.No.7 of 2016 amounts to disobedience of the order granted by this Court on 28.10.2014 and also illegal exercise of jurisdiction conferred on the 2nd respondent.

The counsel for the 3rd respondent, having regard to the chronology of dates and the purport of the order dated

28.10.2014 in W.P.M.P.No.40183 of 2014 submits that he cannot sustain the order impugned in the writ petition.

Hence, the order impugned in the writ petition is set aside. I.A.No.7 of 2016 is remitted to 2nd respondent for consideration and disposal after disposal of W.P.No.32140 of 2014.

The writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 20-07-2017
Prv

S. V. BHATT, J



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Prv

