

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CR No.7939 of 2013

Date of decision:31.5.2017

Mangat Ram

...Petitioner

Versus

SDO(C) cum Prescribed Authority, Sirsa and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Gaurav Singla, Advocate for the petitioner.
Mr.Arvind Rajotia, Advocate for respondent No.2.

RAMESHWAR SINGH MALIK, J. (Oral)

On 20.12.2013, notice of motion was issued by this Court by
passing the following order:-

*“Limited plea raised before this Court is that interest
granted by the authority is on the higher side.*

Notice of motion to respondent No.2 for 18.02.2014.

*Meanwhile, operation of impugned order shall remain
stayed subject to depositing of Rs.5.00 lacs by petitioner with
respondent No.2-bank within six weeks from today.*

When the above-said order was not complied with by the
petitioner and the amount of Rs.5 lacs was not deposited, stay order was
vacated by this Court vide order dated 18.2.2014. Thereafter, this Court
granted another opportunity, permitting the petitioner to deposit the above-
said amount of Rs.5 lacs within a period of 30 days on 15.5.2015 by passing
the following order:-

*“It appears that order dated 20.12.2013 has not been
complied by the petitioner as such this petition deserves to be*

dismissed for non-compliance of the directions.

Proxy counsel for the petitioner prays for an adjournment.

Exercising powers under Section 148 CPC, I enlarge the time to comply with the order dated 20.12.2013 to deposit Rs.5 lacs with the respondent No.2-bank within a period of 30 days.

For arguments, adjourned to 27.07.2015 subject to compliance of above said conditions.”

When the case came up hearing on 28.3.2016 and the above-said orders passed by this Court were not complied with, following order was passed by this Court:-

“Counsel for the petitioner prays for some more time to deposit Rs.5 lakhs with respondent No.2.

On 15.05.2015, this Court by exercising powers under Section 148 of Code of Civil Procedure, 1908 (in short ‘CPC’) enlarged the time to comply with the order dated 20.12.2013 to deposit Rs.5 lakhs within a period of 30 days. The petitioner has not only failed to avail of the extension of time granted vide order dated 15.05.2015 and has rather failed to comply with order despite expiry of approximately 10 months thereafter.

As the petitioner has failed to deposit an amount of Rs.5 lakhs, there is no justification for further extension of time. As a consequence, the stay granted by the Court against the impugned order, vide order dated 20.12.2013 stands vacated. Necessary intimation be sent to the concerned Authority.”

Learned counsel for the petitioner, at the very outset, fairly states that despite making best efforts by him, no appropriate instructions are being passed on to him by the petitioner. He further submits that petitioner does not seem to be interested in complying with the above-said orders passed by this Court, as the amount of Rs.5 lacs has not been

deposited so far. He also submits that in such a situation, he is unable to assist this Court and the present revision petition may be dismissed as not pressed.

Ordered accordingly.

31.5.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No