

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1907 of 1991 (O&M)
Date of Decision: 3.3.2017

Haryana Agricultural University, Hisar

... Appellant

Versus

Dr.Kanwar Singh

... Respondents

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

Present: Mr.Saurabh Gulia, Advocate for the appellant
None for the respondents

RAJIV NARAIN RAINA, J. (Oral)

1. On 27th September, 1991, this Court passed the following order
in this appeal:-

“Mr.Batra after obtaining instructions from the appellant-
University very fairly stated at the Bar that the claim made
in the suit by the plaintiff-respondent will be paid within
four weeks. He further submits that as the appeal raises a
question of law so it should be admitted and the question
of law raised should be settled. In view of the undertaking
given to the Court, the appeal is admitted to settle the
question of law. It is, however, made clear that the money
paid to the plaintiff-respondent will not be liable to be
refunded even if the appeal is accepted. This interim order
will not serve as precedent in other cases.

The appeal is directed to be listed for final hearing within
six months.

During the pendency of the appeal the judgment of the District Judge will not serve as precedent in other cases.

A copy of the order be sent to the respondent as well as to the Registrar of the Haryana Agriculture University, Hissar, today positively by the Addl. Registrar (Judicial).”

2. Since the decree has been satisfied by the appellant-University and the decretal amount has been paid to the plaintiff-respondent and at the same time, it has been ordered that the amount is not liable to be refunded even if the appeal is accepted, then settling the question of law would only be an academic exercise. Still further, if the University agreed to the order passed on 27th September, 1991 on the promise that interim order passed in this appeal as also the judgment of the lower appellate court will not serve as a precedent in other cases, then the question of law is still left open. Nevertheless, this appeal must fail since no substance is left by virtue of the interim order and the same is accordingly dismissed.

(RAJIV NARAIN RAINA)
JUDGE

3.3.2017
MFK

Whether speaking/reasoned

Yes

Whether Reportable

No