

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

Civil Revision No.4075 of 2018 (O&M)
Date of Decision: August 29, 2018

M/s. KST Infrastructure Limited

...Petitioner

Versus

State Bank Employees Housing Welfare Organisation & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

AMIT RAWAL, J.

The present revision is directed against the order dated 25.5.2018 (Annexure P-3), whereby the interim order dated 16.5.2018 granted by the Additional District Judge, Faridabad staying arrest of the petitioner-appellant, had been vacated.

Mr. Sanjiv Gupta, learned counsel representing the petitioner submitted that M/s KST Infrastructure Ltd. instituted a civil suit against the State Bank Employees and others challenging the orders passed by the Society being were illegal. The suit was accompanied by an application under Order 39 Rule 1 & 2 CPC, which was dismissed by the trial Court vide order dated 17.1.2018. It is in these circumstances, the appeal was filed which is pending adjudication. The Lower Appellate Court should not have vacated the stay in the manner and mode as indicated above, instead should have adjudicated the appeal on merits. Whole purpose of pendency

of the appeal is rendered infructuous.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that the Lower Appellate Court ought not to have vacated the interim order in the manner and mode. It has been brought to the notice of the Court that the appeal is slated for November, 2018. Liberty is granted to the petitioner to move an appropriate application. In case such an application is filed, the Lower Appellate Court is directed to decide the appeal within a period of one month.

Without commenting on the merits of the case and upholding the impugned order, revision petition stands disposed of with the aforementioned observations.

August 29, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No