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

CWP No.19317 of 2018

Date of decision: August 07, 2018

The Outgoing Governing Body Punjabi Sabha Fatehabad ...Petitioner

Versus

The Registrar General and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Brijender Kaushik, Advocate,
for respondent no.6-caveator.

Rakesh Kumar Jain, J. (Oral)

This petition is directed against the order dated 20.07.2018, by which respondent no.1 has adjourned the case for 10.08.2018 and vacated the order of stay earlier granted on 12.06.2018.

Counsel for the petitioner has submitted that no reason has been given for vacating the order of stay dated 12.06.2018, by which operation of the order of the State Registrar of Societies, Haryana, dated 22.03.2018 was stayed.

Learned counsel for respondent no.6-caveator has submitted that the Appellate Authority, who had granted the stay on 12.06.2018, had the jurisdiction to vacate the same.

In response thereto, learned counsel for the petitioner has submitted that if the *ex-parte* stay is granted, then it cannot be vacated without notice to the other party and in this regard, he has relied upon two Division Bench judgments of this Court rendered in the cases of **Harinder Singh vs.**

Deputy Registrar, Cooperative Societies, Ludhiana, CWP No.11748 of 1994, decided on 05.01.1995 and **Bahadur Singh and others vs. Financial Commissioner (Cooperation), Punjab and others**, CWP No.13350 of 2006, decided on 28.11.2006.

It is well settled that once the stay is granted, a right is vested in the appellant/petitioner and if the stay is to be vacated, then reasons have to be assigned, which are conspicuous by its absence in the impugned order.

In view of the above, the present petition is hereby allowed and the impugned order dated 20.07.2018 in regard to vacation of stay is set aside. Further, respondent no.1, who is seized of the appeal which is fixed for 10.08.2018, is directed to decide the appeal, one way or the other, on the date already fixed but till then, the order of stay granted by him on 12.06.2018 shall continue. In case respondent no.1 is not in a position to decide the appeal on the date already fixed, he may adjourn the appeal for a short interval and till then, order of stay shall continue.

August 07, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No