

CR-4141-2018 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4141-2018 (O&M)

Date of decision : 31.01.2019

Chandra Devi

... Petitioner

Versus

Block Development and Panchayat Officer, Nuh and
another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Rohit Arya, AAG, Haryana.

AMIT RAWAL, J. (ORAL)

The short point involved in the present revision petition is whether the respondent-State can recover an amount of ₹3,29,886/- without issuing notice under Section 53(2) of the Haryana Panchayati Raj Act (in short 'the Act'). The aforementioned action has been challenged by the petitioner.

The present revision petition is directed against the impugned orders dated 24.05.2018 (Annexure P-5) and 07.06.2018 (Annexure P-6), whereby the *ad interim* application under Order 39 Rules 1 and 2 of CPC filed along with the suit for declaration and permanent injunction, has been dismissed by the trial Court and affirmed in appeal.

Learned counsel for the petitioner submitted that the suit has reached at the stage of plaintiff's evidence.

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Learned counsel for the respondent-State submitted that the order of stay would tantamount to decretal of the suit without adjudication, particularly when the alleged amount is due to the State.

I have heard learned counsel for the parties and appraised the paper book.

Without commenting upon the merits and demerits of the case particularly, when the suit is pending consideration for plaintiff's evidence, I deem it appropriate to dispose of the present revision petition with the direction to the trial Court to decide the suit as expeditiously as possible preferably within a period of six months from the date of the receipt of the certified copy of this order.

However, the interim order dated 04.07.2018 passed by this Court, in the meantime, shall continue with the condition that the petitioner will furnish some adequate security to the satisfaction of the Court below.

31.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**