

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.4391 of 2017 (O&M)
Date of Decision.04.04.2019

Mount Carmel School ...Petitioner
Vs
Gurpreet Singh and others ..Respondents

2. C.R. No.4400 of 2017

Mount Carmel School ...Petitioner
Vs
Gurpreet Singh and others ..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Himanshu Arora, Advocate
for the petitioner.

Mr. Akshay Jain, Advocate
for respondents.

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AMIT RAWAL J. (ORAL)

The short point involved in this case is whether in view of the interim order dated 24.05.2017 granted by the Court till service of respondents effected, passed in misc. appeal against the order dated 11.04.2017, the trial Court during the interregnum could entertain the application under Section 151 CPC at the instance of the respondents-plaintiffs i.e. parents of wards for seeking extension of time regarding the payment of fee for 2016-2017, the answer would be 'yes', as stay was effective till service upon respondents.

It is a matter of record that on 26.05.2017, respondents had put in appearance and there was no stay. Order dated 26.05.2017 reads as under:-

“Present: Shri B.S. Saini, counsel for respondents.

File got put up on the application being moved for taking up the case by the respondent through Shri BS Saini, Advocate. Resultantly, the presence of the respondents stand procured. File be put on the date already fixed i.e. 2.8.2017.

sd/-

S.K. Sachdeva/ADJ/26.5.2017”

The order on application under Section 151 CPC came to be passed on 31.05.2017. It is also on record that on 02.08.2017, the stay was ordered to continue.

Though there have been some force in the argument of Mr. Arora had on 26.05.2017, the interim order had been passed in the manner and mode as passed on 02.08.2017 but it was not so. From a better spectrum, the petitioners are not affected as the order dated 31.05.2017 was only clarificatory giving explanation to pay fee with regard to 2016-2017.

Parties shall be at liberty to address arguments with regard to interim stay after 02.08.2017. In other words, observations of mine shall not come into way of parties seeking interpretation of the order dated 02.08.2017.

In such circumstances, the impugned order cannot be said to be suffering from illegality and infirmity. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

April 04, 2019
Pankaj*

Whether Reasoned/Speaking Yes/No

Whether Reportable Yes/No