

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

LPA-497-2020 (O&M)
Date of decision:- 13.08.2020

Smt. Manjit Kaur Manchanda and others

...Appellants

Versus

Dr. Manju Middha and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Arjun Sheoran, Advocate,
for the appellants.

Ms. Lavanya Paul, Assistant Advocate General, Punjab.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of learned counsel for the parties, the matter is being taken up and heard via video conferencing (Webex App software).

This appeal has been filed by the appellants being aggrieved by an order dated 31.07.2020 by which the learned Single Judge has dismissed the application filed by the appellants for vacating stay order dated 02.07.2020.

The learned Single Bench while doing so listed the writ petition for hearing on 23.09.2020 with a direction to the parties to exchange and complete the pleadings as well as produce the relevant case laws on which reliance is placed. It is apparent that the learned Single Bench has not passed any order finally deciding and concluding the issue involved in the petition and in such circumstances, an LPA against the stay of interim order is not maintainable in view of the law laid down by the Supreme Court in the case of *Midnapore Peoples' Cooperative Bank Limited and others Vs Chunilal Nanda and others* (2006) 5 SCC 399.

Learned counsel for the appellants submits that the very basis of the petition filed by respondent No. 1 was an order passed on 22.11.2019 in CWP-14099-2019 which has in fact been stayed by the

Division Bench of this Court in LPA-446-2020 by an order dated 20.07.2020. It is submitted that though this fact was brought to the notice of the learned Single Bench and it was urged that the very basis of filing of the writ petition was no longer in existence on account of the interim order passed by the Division Bench in LPA-446-2020, however, this fact has not been taken into consideration by the learned Single Judge while dismissing the application for vacating stay.

As stated above, this issue is yet to be considered and decided by the learned Single Bench. It is for this very purpose that the matter has been listed by the learned Single Bench on 23.09.2020 for hearing on which date the appellants would have full opportunity to take up this issue.

In the circumstances, it goes without saying that the appellants would have an opportunity and chance to place the relevant case law before the leaned Single Bench at the time of hearing and all the issues raised by the appellants would naturally be considered and decided by the learned Single Bench at the time of hearing.

In the circumstances, we do not find any reason to entertain the present appeal, as stated above, which is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.08.2020
Amodh

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