

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

132

LPA No.390 of 2022 (O&M)

Date of Decision: May 16th, 2022

Venus Masih @ Venus

...Appellant

Versus

Commissioner, Jalandhar Division, Jalandhar and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sanjeev Kaushik, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Present is an appeal which has been preferred by the appellant on the assumption that the order dated 10.05.2022 amounts to vacating the initial order of stay granted to the appellant, who is a petitioner, on 20.01.2017 which continued till its admission on 24.05.2017, where the interim order was specifically ordered to be continued. Thereafter, on an application preferred by respondent No.3, notice for vacation of stay was issued to the appellant, reply whereof has been filed and the matter is pending before the learned Single Judge. Although there has been two orders passed by the learned Single Judge indicating that the appellant had sought time for arguing the case and on one date, it has also been mentioned that in case the counsel does not come forth to argue the case, the stay order will be vacated but there is no order passed by the learned Single Judge specifically vacating the stay.

2. Assertion which has been put forth by learned counsel for the appellant is that the order dated 10.05.2022 amounts to vacating the stay order granted in favour of the appellant.

3. This contention of the learned counsel for the appellant is totally misplaced. Unless an order has been passed by the learned Single Judge for vacating the stay order granted in favour of the appellant, the said order continues to operate.

4. The present appeal being a misconceived one, therefore, do not call for any interference by this Court.

5. The appeal stands disposed of in above terms.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

May 16th, 2022
Puneet

**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No