

CM-15533-CWP-2022 and
CM-15535-CWP-2022 in/and
CWP No.16800 of 2022
Date of Decision: 30.09.2022

Shashi Bala

.....Petitioner

Versus

Maintenance Tribunal-cum-Sub Divisional Magistrate, Ludhiana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Divanshu Jain, Advocate and
Mr. Prateek Sodhi, Advocate
for the applicant/respondent Nos.2 and 3.

RAJBIR SEHRAWAT, J. (ORAL)

CM-15533-CWP-2022

This is an application for placing on record the written statement along with Annexures R2/1 to R2/4 on behalf of respondent Nos.2 and 3.

For the reasons mentioned in the application, the same is allowed and the written statement along with Annexures R2/1 to R2/4 filed on behalf of respondent Nos.2 and 3 are taken on record.

CM-15535-CWP-2022

This is an application for vacation of ex-parte stay.

Notice in the application.

Mr. Sherry K.Singla, Advocate, accepts notice on behalf of the petitioner and Mr. Sandeep, Addl. Advocate General, Punjab, accepts notice on behalf of the respondent Nos.1 and 2. At the joint request of learned counsel for both the parties, the main case is proponed to today for final hearing.

Main Case

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of mandamus directing the

respondents to pass appropriate orders in the application for restraining respondent Nos.2 and 3 from alienating the suit property (Annexure P-5), as well as, application dated 26.07.2022 (Annexure P-4) by restraining the respondent Nos.2 and 3 from alienating the suit property measuring 500 sq. yards, with certain other prayers made in the present petition.

The counsel for respondent Nos.2 and 3 has submitted that this Court has granted the order of status quo, although the main matter is already pending before the Tribunal. Because of the pendency of the present petition even the decision by the Tribunal is held up. Therefore, it is submitted that the present petition itself be disposed of by directing the Tribunal to take a final decision on the petition of the petitioner filed before the Tribunal.

Even, the counsel for the petitioner does not have any objection to expeditious disposal of the petition pending before the Tribunal.

In view of the above, the present writ petition is disposed of with a direction to the Maintenance Tribunal to take a final decision on the petition filed by the petitioner, within a period of two months from the date of receipt of certified copy of this order.

However, till the final decision is taken by the Tribunal, the order of status quo passed by this Court shall be continued. However, it is clarified that the Tribunal shall not get affected by the fact that interim order has been passed by this Court. The petition filed by the petitioner shall be decided on merits independently without taking the interim order either against the respondent or in favour of the petitioner.

(RAJBIR SEHRAWAT)
JUDGE

30.09.2022
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No