

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

LPA-654-2022

Date of decision : 17.08.2022

Jatinder Singh

.....Appellant

Versus

Union of India and others

....Respondents

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

Present: Mr. Rishav Sharma, Advocate,
for the appellant.

Mr. Shivoy Dhir, Senior Panel Counsel, UOI,
for the respondents.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This is an appeal filed by the appellant against interim order dated 29.07.2022, whereby CM-11133-CWP-2022 filed by him in CWP-15599-2022 for grant of stay has been dismissed by the learned Single Bench, while observing that no ground to grant any interim stay, at that stage, was made out.

In the writ petition (CWP-15599-2022) filed by the appellant, the learned Single Judge issued notice of motion on 21.07.2022, and directed the authorities to file reply. Subsequently, on an application (CM-11133-CWP-2022) filed by the appellant for grant of stay, the matter was taken up within eight days of the said order on 29.07.2022, on which date, the learned Single Bench observed that no ground to grant any interim stay, at that stage, was made out.

The appellant being aggrieved by the said order has filed the present appeal.

From a perusal of the order dated 29.07.2022, it is evident that all the issues raised by the appellant are pending decision before the learned Single Bench and no order has been passed deciding any issue finally. The Supreme Court in the case of ***Midnapore Peoples' Coop. Bank Ltd. and others Vs. Chunilal Nanda and others***, (2006) 5 Supreme Court Cases 399, has held that no Letters Patent Appeal against an interim order is maintainable.

Paragraphs 15 and 16 of the decision of the Supreme Court in ***Midnapore Peoples' Coop. Bank Ltd. and others Vs. Chunilal Nanda and others*** (supra) read thus :

“15. Interim orders/interlocutory orders passed during the pendency of a case, fall under one or the other of the following categories :

- (i) Orders which finally decide a question or issue in controversy in the main case.**
- (ii) Orders which finally decide an issue which materially and directly affects the final decision in the main case.**
- (iii) Orders which finally decide a collateral issue or question which is not the subject-matter of the main case.**
- (iv) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.**
- (v) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties.**

16. The term “judgment” occurring in clause 15 of the Letters Patent will take into its fold not only the

judgments as defined in Section 2(9) CPC and orders enumerated in Order 43 Rule 1 CPC, but also other orders which, though may not finally and conclusively determine the rights of parties with regard to all or any matters in controversy, may have finality in regard to some collateral matter, which will affect the vital and valuable rights and obligations of the parties. Interlocutory orders which fall under categories (i) to (iii) above, are, therefore, “judgments” for the purpose of filing appeals under the Letters Patent. On the other hand, orders falling under categories (iv) and (v) are not “judgments” for the purpose of filing appeals provided under the Letters Patent.”

In these circumstances, we are of the considered opinion that the instant appeal filed by the appellant is not maintainable and is, accordingly, dismissed.

The appellant, if advised, is at liberty to move an appropriate application before the learned Single Bench.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

August 17, 2022
ndj

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