

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

CR-6038-2022

Date of Decision: December 20, 2022

Naseeb Kaur

..... Petitioner

Versus

The Permanent Lok Adalat Bathinda and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr.Siddharth Gupta, Advocate for the petitioner.
Mr. Rishabh Gupta, Advocate
for respondents No.2 to 4.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been made to an order dated 25.05.2022 passed by Permanent Lok Adalat (Public Utility Services), Bathinda; whereby execution application filed at the instance of petitioner, based on award dated 04.03.2021 passed in her favour in application No.18 of 2019 has been ordered to be adjourned *sine die*.

Notice of motion was issued vide order dated 19.12.2022. In pursuance thereof, Mr. Rishabh Gupta, Advocate appeared on behalf of respondents No.2 to 4 and sought time to seek instructions.

Today, after verification, learned counsel for respondents No.2 to 4 submits that there is no stay order granted in favour of respondent Corporation by this Court in CWP-17239-2021; wherein

award dated 04.03.2021 passed by respondent No.1 in application No. 18 of 2019 was challenged.

In view of the aforesaid facts, once there is no stay granted by this Court in CWP-17239-2021, wherein award dated 04.03.2021 passed by respondent No.1, (hereinafter referred to as ‘the Tribunal’) has been impugned at the instance of respondents herein, the Tribunal committed an error of law while passing the impugned order of adjourning the execution application filed at the instance of petitioner as *sine die*.

While passing the impugned order, the Tribunal failed to appreciate that mere challenge to any order before an Appellate forum would not amount to stay of the operation of the same. Accordingly, the revision petition is allowed. Impugned order dated 25.05.2022 passed by respondent No.1 is hereby set aside. The Tribunal is directed to proceed further with the execution application filed at the instance of petitioner herein, in accordance with law.

Parties are directed to appear before the Tribunal on 20.01.2023.

December 20, 2022
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No