

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

LPA-264-2023 (O&M)

Date of Decision: 14.03.2023

Ravi Luthra

.....Appellant

Vs.

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Neeraj Gupta, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (ORAL)

1. The present appeal is directed against the order which is delayed by 71 days on account of the fact that the appellant was not a party to the litigation. Accordingly, an application bearing No. CM-754-LPA-2023 for leave to appeal filed under Rule 2 Chapter 1 Part A (C) of the High Court Rules and Orders, Volume 5, with Section 151 of the Code of Civil Procedure, 1908 has been preferred. The consideration sought is of the interim order dated 22.11.2022 (Annexure P-12) wherein in a writ petition filed by respondent No. 3 certain protection was granted by the learned Single Judge.

2. Learned counsel for the appellant has sought to bring to our notice that the criminal cases which have been registered against the said builder/writ petitioner are pending in New Delhi and the present appellant is the complainant in those cases and thus, aggrieved by the protection granted, as the same would be sans jurisdiction. We have now been informed that the matter is now pending for 17.05.2023.

3. Keeping in view the fact that only notice of motion is issued and interim protection has been granted and pleadings have to be completed, we are of the considered opinion that the present appeal would not be maintainable, in view of the law laid down in by the Hon'ble Apex Court in Midnapore Proples Co-operative Bank Ltd. and others vs. Chunilal Nanda and others (2006) 5 SCC 399.

4. It is always open to the appellant to approach the learned Single Judge and to get himself impleaded in the writ petition and prays for necessary relief or modification of any interim order which has been passed in favour of the said builder.

5. Faced with the said situation, counsel for the appellant does not press the present appeal.

6. Accordingly, the present appeal is disposed of as not pressed, with the aforesaid liberty.

All pending miscellaneous application (s), also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

March 14, 2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No