

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

**COCp-2027-2019 (O&M)
Date of decision: 20.04.2023**

Narinder Singh

...Petitioner

Versus

Gurjinder Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. K. Chauhan, Advocate
for the petitioner.

Mr. Rishabh Gupta, Advocate
for respondent Nos. 1 to 4.

Mr. Jasjeet Singh, Advocate for
Mr. P. S. Kanwar, Advocate
for respondent Nos. 5 to 7.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner alleges violation of the order dated 02.05.2018, passed by this Court in CWP-10856-2018, filed with a prayer that the Financial Commissioner (Appeals), Punjab, before whom ROR No. 186 of 2018, filed by the petitioner is pending, is not deciding the stay application.

While disposing of the aforesaid writ petition by giving a direction to the revisional authorities on 02.05.2018, four weeks time was given for deciding the application for interim stay and in the meantime, it was directed that the *status quo* be maintained till the decision of the revision petition i.e. the revision pending before the Financial Commissioner.

It is admitted case of the parties that ROR stands dismissed on 03.03.2023.

[Neutral Citation No. 2023:PHHC:055611]

Learned counsel for respondent Nos. 1 to 4/PSPCL submits that with regard to same cause of action, the petitioner has even filed a civil suit against the private respondents, in which, an application under Order 39 Rule 1 and 2 CPC for stay/interim injunction was filed, however, the same was dismissed on 24.04.2019 and thereafter, the main civil suit was also dismissed and the appeal is pending before the lower appellate Court.

Learned counsel for respondent Nos. 1 to 4 has referred to an order dated 25.03.2019, passed by this Court in RSA-5153-2012, filed by the petitioner against the private respondents, in which the following order was passed:

“Mr. Ram Kumar Chauhan, Advocate has caused appearance on behalf of the appellant, superseding the earlier counsel but has expressed his inability to argue the matter on the premise that he has been engaged today and needs to inspect the records before making submissions. A relevant extract from order dated 30.10.2018, reads as follows:-

The appeal is pending since December, 2012. There is an order of status quo with regard to tubewell connection. Counsel for respondent No.1 would apprise that LPA filed by the appellant is pending for preliminary hearing for the past more than one year.

Last opportunity is provided to make submissions, failing which status quo order shall be deemed to be vacated.

In view of the above, stay i.e. order of status quo passed by this Court stands vacated.

Adjourned to 02.07.2019.”

Learned counsel further submits that vide aforesaid order, the RSA Bench has vacated the stay order and the said appeal is pending

admitted, without there being any order of stay.

It is also a matter of fact that respondent Nos. 1 to 4 are neither party in the civil suit nor in the writ petition, filed by the petitioner challenging the order granting partition.

Since the private respondents are resorting to their remedy to get the suit land partitioned and the revision petition of the petitioner has already been dismissed, no case of any willful disobedience is made out.

Accordingly, the present petition is dismissed.

Rule stands discharged.

20.04.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No