

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No.244)

LPA No.1334 of 2023 (O&M)

Date of decision: 29.11.2023

Pritam Singh

.....Appellant

Versus

Financial Commissioner and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present : Mr. Paramjit Rajput, Advocate for the appellant.

Mr. Rohit Bansal, Senior DAG, Punjab.

Ms. Rashika Bansal, Advocate for

Mr. Dheeraj Mahajan, Advocate for respondent No.5.

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DEEPAK SIBAL, J. (Oral)

(1) The present intra court appeal has been directed against the order dated 21.07.2023 passed by a learned Single Judge of this Court vacating the interim stay granted in the appellant's favour on the ground that after obtaining an interim order the appellant was unnecessarily delaying the final adjudication of the matter.

(2) Learned counsel appearing for the appellant submits that in the writ petition preferred by the appellant, on 28.03.2017, a learned Single Judge of this Court had granted interim stay. Thereafter, the matter was adjourned for several reasons including delay in the service of 25 respondents, outbreak of the pandemic COVID-19 and the learned counsel for the appellant having undergone surgery as also suffering from dengue.

(3) In the light of the above, learned counsel for the appellant submits that there was no malice in the seeking of adjournments and that he undertakes before this Court that on the next date fixed before learned Single Judge he shall argue the matter on behalf of the appellant and would also not seek any adjournment in the matter.

(4) Learned counsel appearing for the contesting respondent No.5 submits that in the light of the afore statement made by learned counsel for the appellant before this Court this appeal may be disposed of as pendency of this appeal may further delay the decision in the appellant's writ petition pending before learned Single Judge and consequently, delay the execution of the partition proceedings, which are the subject matter of challenge in the appellant's writ petition.

(5) In the light of the afore submissions made before us and with the hope that learned counsel for the appellant will live up to his statement made before us, we dispose of the appeal with a request to the learned Single Judge to take up the matter pending before him/her on a priority basis on the date already fixed i.e. 22.01.2024.

(6) Till the next date fixed before the learned Single Judge i.e. 22.01.2024, the interim order dated 28.03.2017 shall continue. However, on 22.01.2024, if no arguments are addressed on behalf of the appellant/writ petitioner, without reference to the Court, the said interim order shall stand vacated.

(DEEPAK SIBAL)
JUDGE

29.11.2023

sunil yadav

(SUKHVINDER KAUR)
JUDGE

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