

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(108)

CWP-23274-2023

Date of decision: - 12.10.2023

Suresh and another

....Petitioners

Versus

Additional Deputy Commissioner-cum-Maintenance Tribunal, U.T.,
Chandigarh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Priyavrat Parashar, Advocate
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ for quashing/setting aside the order dated 08.09.2023 (Annexure P-14) passed by the Additional Deputy Commissioner-cum-Maintenance Tribunal, U.T., Chandigarh.

2. Learned counsel for the petitioners has submitted that against the order dated 08.09.2023 (P-14), the petitioners have filed the statutory appeal dated 10.10.2023 and in the said appeal, they have also made a prayer for staying of the operation of the order dated 08.09.2023, but the said appeal has not been taken up for preliminary hearing and there is urgency in the matter. It is further submitted that the petitioners would be satisfied in case the appellate authority, before whom the appeal is pending, is directed to take up the same for preliminary hearing, as expeditiously as possible, preferably, within a period of one week and

also consider the application of the petitioners for stay.

3. Keeping in view the above-said facts and circumstances, the present petition is disposed of with a direction to the appellate authority, before whom the appeal is pending, to take up the appeal filed by the petitioners against the order dated 08.09.2023 for preliminary hearing within a period of 10 days from the date of receipt of certified copy of this order and also consider the prayer of the petitioners for stay, within the said period.

4. It is made clear that this Court has not opined on the merits of the case and the appellate authority would consider the appeal for preliminary hearing and also consider the question of stay, independently, in accordance with law.

October 12, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No