

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

LPA-6-2023 (O & M)
Date of Decision: 06.01.2023

Shri Jainendra Gurukul Society (Regd.)

.....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

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

Present: Mr. Akshay Bhan, Sr. Advocate,
with Mr. Rohit Nagpal, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

Challenge by the appellant, who was respondent No.5 in the writ petition, is to the interim order dated 19.12.2022 wherein, the learned Single Judge has nominated an Administrator to be appointed by the Deputy Commissioner, Panchkula to take over the affairs and management of the appellant-society till the next date of hearing while noting the fact that nomination papers of 4 persons had been wrongly rejected.

A perusal of the order would go on to show that the appellant had chosen not to appear despite service before the learned Single Judge. Even in the present appeal, no explanation has been given as to why the society chose not to put in appearance despite service. It is apparent that they were apprehensive as such of an adverse order.

In such circumstances, we are of the considered opinion that the appeal is not maintainable in view of the judgment in *Midnapore Peoples Co-op. Bank Ltd. and others vs. Chunilal Nanda and others, (2006) 5 SCC 399*, the relevant portion of which reads thus:-

“16. Interim orders/interlocutory orders passed during the pendency of a case, fall under one or the other of the following categories :

(i) Orders which finally decide a question or issue in controversy in the main case.

(ii) Orders which finally decide an issue which materially and directly affects the final decision in the main case.

(iii) Orders which finally decide a collateral issue or question which is not the subject matter of the main case.

(iv) Routine orders which are passed to facilitate the progress of the case till its culmination in the final judgment.

(v) Orders which may cause some inconvenience or some prejudice to a party, but which do not finally determine the rights and obligations of the parties.

We are, thus, of the considered opinion that the order would fall under Clause Nos. (iv) and (v) and secondly, the factum remains that even the reply has not been filed by the present appellant. Thus, in our considered opinion, it would only be appropriate that firstly the appellant puts in appearance before the learned Single Judge and give its explanation as to why appearance was not put in and files its written statement and then seek its legal remedy in accordance with law.

The appeal stands disposed of with the above observations.

(G.S. SANDHAWALIA)
JUDGE

06.01.2023
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No