

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-2865-2024
Date of decision : 09.02.2024

Kanwaljit Kaur @ Kanwal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Meena, Advocate for
Mr.Amit Arora, Advocate
for the petitioner.

Mr.Kunal Muthreja, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ, order or direction especially a writ in the nature of mandamus directing respondent no.2 to hear and decide the stay application filed along with the appeal before respondent no.2.
2. Learned counsel for the petitioner has submitted that Daljit Singh and Harmanjit Singh through their mother i.e., the present petitioner have filed an appeal before the Appellate Tribunal along with the application for stay. It is further submitted that on 10.01.2024 the matter was adjourned to 31.01.2024 and now has been adjourned to 21.02.2024 and neither the stay has been granted nor the application for stay has been rejected nor any observation has been made regarding the same. It is stated that the petitioner would be satisfied in case the Appellate Tribunal is directed to consider the prayer for stay of the petitioner on the next date of

hearing or within a period of one week thereafter and pass appropriate orders on the same.

3. Learned State counsel has submitted that the Appellate Tribunal would consider the said application, in accordance with law.

4. Keeping in view the abovesaid facts and circumstances, the present petition is disposed of with a direction to the Appellate Tribunal to consider the application for stay of the petitioner on the next date of hearing i.e., 21.02.2024 or within a period of one week thereof and pass appropriate orders on the same.

5. It is made clear that this Court has not opined on the merits of the case or the application and the same would be considered by the Appellate Tribunal independently, in accordance with law.

(VIKAS BAHL)
JUDGE

February 09, 2024
Davinder Kumar

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