

2024:PHHC:083722-DB



Neutral Citation No. 2024:

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

(118)

LPA-1513-2024 (O&M)

Decided on : 08.07.2024

Gurmeet Singh Randhawa & others

.....Appellant(s)

Versus

State of Punjab & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE VIKAS BAHL**

Present: Mr.Harbans Sharma, Advocate, for the appellant(s).

Mr.Saurav Khurana, Addl.A.G., Punjab.

Mr.Akshay Bhan, Sr.Advocate
with Mr.HPS Sandhu, Advocate, for the intervenors.

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. Consideration in the present appeal is to an interim order dated 23.05.2024 passed in CWP-26906-2023 whereby while dismissing the application filed by the writ petitioners for being impleaded as proposed respondents N.6 to 10, liberty was given to them to participate in the proceedings as intervenors.

2. Firstly, we are of the considered opinion that the present appeal itself is not maintainable in view of the law laid down in **Midnapore Peoples' Cooperative Bank Ltd. & others Vs. Chunilal Nanda & others, (2006) 5 SCC 399**. Relevant observations read as under:

“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.

The term 'judgment' occurring in clause 15 of the Letters Patent will take into its fold not only the judgments as defined in [section 2\(9\) CPC](#) and orders enumerated in [Order 43 Rule 1 of CPC](#), but also other orders which, though may not finally and conclusively determine the rights of parties with regard to all or any matters in controversy, may have finality in regard to some collateral matter, which will affect the vital and valuable rights and obligations of the parties. Interlocutory orders which fall under categories (i) to (iii) above, are, therefore, 'judgments' for the purpose of filing appeals under the Letters Patent. On the other hand, orders falling under categories (iv) and (v) are not 'judgments' for purpose of filing appeals provided under the Letters Patent.”

3. Secondly, even on merits, we are of the considered opinion that keeping in view the fact that the proceedings arise between the members of the Cooperative Society. The Learned Single Judge was justified in allowing the applicants to participate in the proceedings as intervenors so that the true factual position from all angles would be projected before him.
4. In such circumstances, we are not inclined to entertain the present appeal which is hereby dismissed. All pending application(s) also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

08.07.2024
Sailesh

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No