

2024:PHHC:106579-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

LPA-1936-2024 (O&M)

Decided on : 20.08.2024

Raman Kumar & another

.....Appellant(s)

Versus

Superintending Canal Officer & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr.Ajay Kamboj, Advocate for the petitioner (s).

G.S. Sandhawalia, J.(Oral)

1. Consideration in the present appeal is to the order dated 31.05.2024 passed by the Learned Single Judge in CM-9445-CWP-2024 in CWP-12500-2024 whereby the application for vacation of status quo order dated 24.05.2024 was rejected.

2. The Learned Single Judge noticed that the present appellants who are arrayed as respondents No.4 & 3, respectively in the writ petition, have not even completed the pleadings and filed reply to the vacation of the status quo order. It was in such circumstances, since the case was fixed for 11.11.2024, liberty was given to file reply and the application was dismissed.

3. Keeping in view the law laid down by the Apex Court in **Midnapore Peoples' Cooperative Bank Ltd. & others Vs. Chunilal Nanda & others, (2006) 5 SCC 399**, we are of the considered opinion that firstly, the present appeal is not maintainable and secondly no prejudice is being caused to the present appellants. Even otherwise, option was given to complete pleadings before the Learned Single Judge who had to decide the issue after taking into account the pleadings of both the parties, which would not be

possible without the written statement having been filed.

4. Counsel for the appellants now states that pleadings are complete before the Learned Single Judge and the reply is on record.
5. Keeping in view the above, we are of the considered opinion that it is always open to the appellants to file appropriate application before the Learned Single Judge for grant of necessary relief like preponement of the matter.
6. Faced with this situation, counsel for the appellants submits that the present appeal be disposed of as having been rendered infructuous, with liberty to approach the Learned Single Judge, for taking necessary steps in accordance with law.
7. Ordered accordingly. All pending application(s) also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

20.08.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No