

S.B. CIVIL WRIT PETITION NO.3228/2014

Date of Order :: 08.04.2015

HON'BLE MR. JUSTICE ARUN BHANSALI

Mr. R.C. Joshi, for the petitioners.

Mr. D.L. Mothsra, for the respondents.

It is submitted by learned counsel for the parties that the present writ petition arise out of a revenue suit filed by the respondents, wherein a preliminary decree dated 13.03.2001 was passed by the SDO, which was upheld by judgment dated 19.10.2001 by the Revenue Appellate Authority and by order dated 09.01.2014 by the Board of Revenue. It is further submitted that final decree has been passed by the SDO on 21.03.2002, against which appeal is pending before the Revenue Appellate Authority and the final decree has been stayed. It is further submitted that the application filed by the respondents under Sections 152 and 153 CPC has been filed accepted by the SDO, which has been challenged before the Board of Revenue and the writ petition filed by the petitioner is pending consideration before this Court.

In view of the chequered history, admit. Issue notice.

Mr. D.L. Mothsra, learned counsel appears for the respondents No.4 to 8. The service on respondents No.1, 2, 3 and 9 is dispensed with.

Heard on stay petition.

In view of the fact that already a final decree has been passed in the matter and against which appeal is pending before the Revenue Appellate Authority, no case for grant of stay regarding the preliminary decree is made out. The stay petition is, therefore, dismissed.

List the writ petition alongwith S.B. Civil Writ Petition No.977/2015.

(ARUN BHANSALI), J.