

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Civil) No.16498/2013  
(From the judgment and order dated 10/12/2012 in LPA No.441/2012 of The  
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BALDEV SINGH Petitioner(s)

VERSUS

CHARAN SINGH & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 22/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Ms. Sunita Sharma, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(VINOD LAKHINA)	(INDU BALA KAPUR)	
COURT MASTER	COURT MASTER	

(SIGNED ORDER IS PLACED ON THE FILE)

N.B. Learned counsel appeared for Ms. Sunita  
Sharma, Adv. did not give his appearance slip.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5920 OF 2013

[Arising out of Special Leave Petition (Civil) No.16498 of 2013]

BALDEV SINGH ...APPELLANT

VERSUS

CHARAN SINGH & ORS. ...RESPONDENTS

ORDER

Leave granted.

This appeal, by special leave, has been preferred against order, dated 10th December, 2012, passed by the Division Bench of the Punjab and Haryana High Court at Chandigarh in LPA No.441 of 2012. By the impugned order, the Division Bench of the High Court, while admitting the LPA, stayed the operation of the order under challenge before it.

On 8th May, 2013, when the matter was taken up by this Court, notice was issued on respondents and operation of order, dated 10th December, 2012, passed by the High Court in LPA No.441 of 2012, was stayed. In spite of service, respondents have not appeared.

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It appears that the appellant filed a writ petition being CWP No.1330 of 2010 before the High Court. In the said case, learned single judge issued notice of motion for 10th September, 2010 and granted interim stay by his order dated 29th July, 2010. Respondents appeared and filed their written statement. The writ petition was admitted and interim order passed on 29th July, 2010 was continued on 29th November, 2010. Charan Singh, respondent No.3 (private respondent) in CWP No.1330 of 2010 filed an application for vacation of stay being Civil Misc. No.2531 of 2011 in CWP No.1330 of 2010, which was rejected by the learned single judge on 26th May, 2011. Second application for vacation of stay having again rejected, the private respondent filed Letters Patent Appeal No.441 of 2012, wherein the Division Bench, while admitting the Letters Patent Appeal, passed an interim order of stay of order passed by the learned single judge.

Having regard to the fact that the appeal pending before the High Court is mainly against an interim order of stay and the order of stay passed by the Division Bench has already been stayed by

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this Court, we are of the opinion that no purpose will survive if the present appeal is kept pending against an interim order dated 10th December, 2012 passed in LPA No.441 of 2012 as also the writ petition, which is pending before the learned single judge of the High court, particularly, when interim order passed by learned single judge stands restored pursuant to interim

order passed by this Court.

In view of the above, we allow the appeal; set aside the order of the Division Bench of High Court, dated 10th December, 2012, and remit the matter to the High Court for disposal of the Letters Patent Appeal as aforesaid so as to ensure that the matter pending before the learned single judge is decided on an earlier date.

The appeal is disposed of in the above terms. No costs.

.....,J.  
[SUDHANSU JYOTI MUKHOPADHAYA]

.....,J.  
[RANJAN GOGOI]

NEW DELHI  
JULY 22, 2013