

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(s) for Special Leave to Appeal (Civil) No(s).1 8 8 6 2 / 2 0 0 7

(From the judgement and order dated 1 3 / 0 2 / 2 0 0 7 in RSA No. 2 2 3 9 / 2 0 0 6 of
The HIGH C O U R T O F P U N J A B & H A R Y A N A AT CHAN DI G A R H)

STA T E O F H A R Y A N A & O R S.

Petitioner(s)

V E R S U S

V.K.A G G A R W A L

Respondent(s)

(With prayer for interim relief and office report)

Date: 3 0 / 0 4 / 2 0 0 8 This Petition was called on for hearing today.

C O R A M :

HON' B L E M R. J U S T I C E A . K . M A T H U R
HON' B L E M R. J U S T I C E A L T A M A S K A B I R

For Petitioner(s)

Mr. P.N. Mishr a, Sr.Adv.
Mr. Manjit Singh, Adv.

Mr.T.V.George,Adv.

For Respondent(s)

Mr. Sanjeev Malhotra,Adv.
Mr. Ra m Niwas, Adv.

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.

(Sukhbir P a ul K a u r)
Court Master

(Vijay Dhawa n)
Court Master

(Signed order is placed on the file)
I N T H E S U P R E M E C O U R T O F I N D I A
C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 3 1 6 3 O F 2 0 0 8
(Arising out of S L P (C) No.1 8 8 6 2 of 2 0 0 7)

STA T E O F H A R Y A N A & O R S.

Appellant(s)

Versus

V.K. A G G A R W A L

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted.

This appeal by special leave is directed against the judgment and order dated 13th February, 2007 passed by the learned Single Judge of the High Court of Punjab and Haryana in R.S.A. No.2239 of 2006 where the appeal was admitted but no stay of operation of the judgment of the Trial Court was granted and it was observed that if excess payment is made then amount can always be recovered. This was not the correct approach. Once an appeal has been admitted, normally the Court should have stayed the operation of the judgment subject to some conditions.

-2-

However, the notice was given in this case and an interim order was passed by this Court on 6th September, 2007.

Having regard to the facts and circumstances of the case, we confirm the interim order dated 6th September, 2007 and request the High Court to dispose of the matter expeditiously preferably within a period of six months.

The appeal is accordingly, disposed of.

.....J .
(A.K.M A T H U R)

.....J .
(ALTA M A S KA B I R)

New Delhi,
April 30, 2008